

INVERCLYDE LICENSING BOARD

**STATEMENT OF
PRINCIPLES**

GAMBLING ACT 2005

SECTION 349

**14 April 2025
to
13 April 2028**

INVERCLYDE LICENSING BOARD

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STATEMENT OF PRINCIPLES

1.0 Introduction

1.1 Section 349 of the Gambling Act 2005 (“the Act”) requires licensing authorities to publish a Statement of Principles to be applied in exercising the authorities’ functions under the Act. Inverclyde Licensing Board in fulfilment of its duty under Section 349 approved its first Statement of Principles on 11 January 2007.

1.2 The Act provides that a Statement of Principles shall apply for a period of three years and may be reviewed and revised during that period if appropriate. The Licensing Board’s first statement of Principles applied for the three years’ period commencing on 31 January 2007.

In January 2010, January 2013, January 2019 and January 2022 the Board published further Statements of Principles to cover the three year periods respectively with a further Statement of Principles adopted in April 2022 for a further period of three years.

1.3 As required in terms of Section 349 the Board has consulted on and reviewed its Statement of Principles. The following is the Board’s seventh Statement of Principles which it will apply in exercising its functions under the Act during the three year period commencing on 14 April 2025. **Appendix 1** lists those individuals, organisations, groups and Societies that were consulted for the purposes of reviewing and updating this Statement of Principles.

1.4 Account has been taken of the Statutory Guidance issued by the Gambling Commission when preparing this Statement. The current edition of the guidance was published in April 2021 with some further updates in April 2023, and can be found using the following link:

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

- 1.5 In exercising its functions under the Gambling Act 2005, Inverclyde Licensing Board must have regard to the Statutory Licensing Objectives set out in Section 1 of the Gambling Act 2005, namely:
- 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 being conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.6 In accordance with Section 153 of the Gambling Act 2005, Inverclyde Licensing Board, in making decisions concerning premises licences and temporary use notices, aims to permit the use of premises for gambling in so far as we think it is:
- In accordance with any relevant Code of Practice issued by the Gambling Commission.
 - In accordance with any relevant guidance issued by the Gambling Commission.
 - Reasonably consistent with the licensing objectives.
 - In accordance with this Statement of Principles.
- 1.7 Nothing in this Statement of Principles will override the right of any person to make an application under the Act or to have the application considered on its individual merits, undermine the right of any person to make representations on an application or to seek a review of a licence where there is a legal power to do so.

This Statement is intended to be a general Statement of Principles and is not to be regarded as a comprehensive guide to the application of the Act by the Board. Applicants and others should always have regard to not only this Statement of Principles but also the Act, any Regulations made under the Act and any Guidance or Codes of Practice issued by the Gambling Commission. Guidance and Codes of Practice issued by the Gambling Commission may be accessed on the Commission's web site. (www.gamblingcommission.gov.uk).

1.8 The following is a summary of the matters dealt with in this Statement:

- The principles applied by the Board in designating in writing a Body which is competent to advise the authority about the protection of children from harm.
- The principles to be applied by the Board in determining whether a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence.
- The principles to be applied by the Board in exercising its functions with respect to the inspection of premises and with regard to its powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified in that Section.
- The principles to be applied by the Board with respect to the exchange of information between the Board and the Gambling Commission and the Board's functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- The factors which the Board may take into account when considering applications for premises licences, permits and other permissions and matters that it will consider relevant when determining whether to review a licence.

1.9 In producing this Statement of Principles, the Board 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 this Statement of Principles.

1.10 While the Board will have regard to this Statement of Principles in making any decisions under the Act, every application will be regarded and considered on its own merits.

1.11 It should be noted that the Act provides that expected demand for the facilities proposed to be provided in the premises for which a premises licence is sought is not a criterion of which the Board may take account when considering an application. Also, the Guidance issued by the Gambling Commission indicates that "moral objections to gambling are not a valid reason to reject

applications for premises licences”. This being the case, the Board will not have regard to demand or moral objections when exercising its functions under the Act. Similarly, the likelihood of the grant of planning permission or building regulation approval are not criteria that the Board may consider when deciding on the merits of an application and accordingly will not be considered by the Board when exercising its functions under the Act.

- 1.12 The Board is committed to avoiding duplication with other legislation and regulatory regimes as far as possible and therefore legal requirements of other legislation (e.g. health and safety and fire precautions) have not been repeated in this Statement of Principles. However, the Board requires to ensure that it adheres to Equality legislation and accordingly the scope of the Consultation has been widened to take account of the views of relevant bodies.

2.0 Inverclyde and Inverclyde Licensing Board

- 2.1 Inverclyde is one of Scotland’s smaller local authority areas. It is situated to the west of Glasgow on the south bank of the estuary of the River Clyde and covers 61 square miles. Its population is largely concentrated in the towns of Greenock, Port Glasgow, Gourock, Kilmacolm, Quarriers Village, Inverkip and Wemyss Bay. It has a population of just over 76,000. A map of the local authority area is produced in **Appendix 2**.

- 2.2 Inverclyde Licensing Board comprises eight elected Members of Inverclyde Council with two further Members available to substitute as and when necessary.

- 2.3 Information on Inverclyde Licensing Board can be found using the following link:

<http://www.inverclyde.gov.uk/law-and-licensing/licensing>

3.0 Consultation on the Statement of Principles.

- 3.1 The Act requires the following parties to be consulted prior to publication of this Statement of Principles:

- 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 Board'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.
- 3.2 The parties consulted in relation to the Statement of Principles are listed in **Appendix 1** to this Statement of Principles.
- 3.3 Prior to publishing this Statement of Principles the Board had regard to and gave appropriate weight to the views of those whom it had consulted. In determining what weight to give to particular representations, the following factors were taken into account:
- Who is making the representations (what is their expertise or interest)?
 - What their motivation may be for their view.
 - How many other people have expressed the same or similar views?
 - How far the representations relate to matters which the Board should be including in its Statements of Principles.
 - The Act, any regulations made under the Act and any relevant Guidance or Codes of Practice.
- 3.4 In considering the views of consultees, the Board considered whether those views should be taken into account and the extent to which the Board are able to deal with the issues raised. For example, the views may relate to a matter which is dealt with under other legislation such as planning.
- 3.5 The previous January 2019 Statement of Principles was adopted by the Board on 29 October 2021 pending the outcome of a consultation which was undertaken between February and April 2022. The responses received were considered and at the Board's meeting on 14 April 2022 the existing Statement of Principles was adopted for a period of 3 years. For the purpose of this Statement of Principles the Board undertook a preliminary consultation between 28 November 2024 and 10 January 2025. The responses received were considered by the Board at its

meeting on 6 March 2025. Having considered the outcome of the initial consultation the board instructed the Clerk to publicly consult on the revised Statement of Principles and Local Area Profile The public consultation was live between 14 March 2025 and 4 April 2025 and the Statement of Principles and Local Area Profile were formally adopted by the Board it at its meeting on 10 April 2025.

4.0 Licensed Activities Covered

4.1 This Statement of Principles covers the following licensing activities:

- Licensing premises for gambling activities.
- Considering notices given for the temporary or occasional use of premises for gambling.
- Granting permits for gaming and gaming machines in clubs and miner's welfare institutes.
- Regulating gaming and gaming machines in alcohol licensed premises.
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines.
- Granting permits for prize gaming.
- Considering occasional use notices for betting at tracks.
- Registering small societies' lotteries.

4.2 The Board will not be involved, and has no locus to be involved, in the licensing of remote gambling. Regulation of such activities falls to the Gambling Commission.

5.0 Summary of Matters covered within Review of Statement

5.1 A number of updates appear in this Statement of Principles. The updates include reference to Inverclyde Licensing Board not having the authority to consider the likelihood of planning permission or building control certification being granted in determining premises licence applications, fuller descriptions of

the various activities for which licences and permits can be granted and the Board's attitude to each, a more detailed policy relative to licence conditions and Review hearings.

6.0 Child Protection

- 6.1 In terms of Section 157 of the Act the Board is required to designate in writing a body which is competent to advise the Board about the protection of children from harm.
- 6.2 The Board designates Inverclyde Child Protection Committee. This is an inter-agency body representing the statutory private and voluntary sectors with a wide knowledge and experience of child protection matters: it has the specialist knowledge and expertise to advise the Board about the protection of children from harm.

7.0 Responsible Authorities

- 7.1 Responsible authorities are public bodies that must be notified of applications and which are entitled to make representations to the Board in relation to premises licences and applications for premises licences.
- 7.2 The responsible authorities in the Board's area are:
- The Board.
 - The Inverclyde Council
 - The Gambling Commission.
 - The Chief Constable, Police Scotland.
 - The Chief Fire Officer, Scottish Fire and Rescue Service.
 - Head of Regeneration and Planning, Inverclyde Council.
 - Head of Environmental and Public Protection, Inverclyde Council.
 - Inverclyde Child Protection Committee.
 - HM Revenue and Customs

- Any other person prescribed in regulations by the Secretary of State or Scottish Ministers.

8.0 Interested Parties

8.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. A person is an interested party if, in relation to an application for or in respect of a premises licence, in the opinion of the Board which issues the licence, or to which the application is made, the person:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities.
- Has business interests that might be affected by the authorised activities.
- Represents persons in either of these two groups.

8.2 In determining whether a person is an interested party, the Board will judge each case on its own merits.

8.3 In determining whether a person is a “person living close to the premises”, the Board may take account of the following factors:

- The size of the premises.
- The nature of the premises.
- The distance of the premises from the location of the party making the representation.
- The potential impact of the premises.
- The nature of the party e.g. is the party a private individual or a school or a church?

8.4 In determining whether a party is a person with business interests that could be affected, factors that may be taken into account include:

- The size of the premises, the location of the premises.

- The proximity of the premises to any premises of the party making representations.
- Whether the person making the representations has business interests in that catchment area that might be affected.

8.5 In deciding whether a person represents a party in either of the above categories, the Board will make decisions on a case by case basis; in appropriate cases, the Board may require written evidence such as a letter confirming that the person does indeed represent the party.

9.0 Compliance and Enforcement

9.1 The Board has powers in terms of Part 15 of the Act to inspect premises, to monitor compliance with the provisions of the Act, with licence conditions and to investigate suspected offences.

Under the Legislative and Regulatory Reform Act 2006, any person exercising a specified regulatory function has a legal duty to have regard to the statutory principles of good regulation in the exercise of the function. These principles are detailed in 9.2 below. The Board will also have regard to the requirements of the Regulators' Code published by the Department for Business, Innovation and Skills.

9.2 The Board will seek to ensure that its approach to compliance and enforcement is:

- Proportionate: regulators should only intervene when necessary; remedies should be proportionate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decision and be subject to public scrutiny;
- Consistent: rules and standards will be applied fairly and equally to all parties;
- Transparent: regulators should be open and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem and minimise side effects.

- 9.3 The Board will seek to ensure that any inspection programme is risk based.
- 9.4 The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, the Board recommends that operators provide the authority with a single named point of contact and contact details, such person being a senior individual within the operator's organisation, and with whom the authority will first make contact should any compliance queries or issues arise.
- 9.5 The Board, to monitor compliance with its functions under the Act, shall work actively with the Gambling Commission's Compliance Officer and other partner agencies to enforce the licensing legislation. The Responsible Authorities shall also monitor the Inverclyde Area for any unlicensed premises or gambling activity and ensure, where this is identified, it is reported to the Gambling Commission or other appropriate agency.
- 9.6 Concerns in relation to the manufacture, supply or repair of gaming machines, will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

10.0 Exchange of Information

- 10.1 In exercising its functions under the Act, the Board will exchange relevant information with other regulatory bodies. The Board at all times will act in accordance with the provisions of the Gambling Act, Data Protection and Freedom of Information Legislation and any Guidance or Codes of Practice issued by the Gambling Commission.

11.0 Local Area Profiles

- 11.1 The Local Area Profile contains:
- A link to the Scottish Government website showing details of the Scottish Index of Multiple Deprivation for Inverclyde. These details may be factors that operators consider with regard to the Licensing Objectives, problem gamblers, vulnerable adults and the links in studies identified; and

- A map showing details of a breakdown of the different types of schools in Inverclyde, and their proximity to licensed premises; and
- Details of current Gambling Premises so that operators can assess the range of gambling facilities in proximity to the Licensed Premises in terms of any risk assessment.

12.0 General Principles

12.1 The Board will apply the following general principles in considering applications for premises licences, permits and other permissions and generally in exercising its duties under the Gambling Act 2005:

- As indicated in paragraph 1.11, the Board will not have regard to expected demand, moral objections, or the likelihood of achieving planning permission or building control certification when exercising its functions under the Act.
- The Licensing Authority will seek to avoid any duplication with other statutory or regulatory systems such as the statutory planning regime.
- The Board recognises the importance of protecting children and other vulnerable persons from being harmed or exploited by gambling and the Board will pay particular attention to any issues which it considers may be relevant to such protection.
- The Board will have regard in every case to the provisions of the Gambling Act 2005 and any regulations made under the Act and any Codes of Practice or Guidance issued by the Gambling Commission.
- The Board will have regard to this Statement of Principles in carrying out its functions under the Act but will always consider every case on its own merits.

12.2 The following paragraphs provide a statement of the principles which will be applied by the Board in specific cases.

13.0 Premises Licences

- 13.1 Premises licences will always be subject to the restrictions set out in the Act and regulations as well as to any mandatory conditions specified in regulations made under the Gambling Act 2005.
- 13.2 Premises licences will be subject to any default conditions specified in regulations made under the Gambling Act 2005, except in those cases where the Board considers it appropriate to exclude a default condition.
- 13.3 In cases where it considers it appropriate to do so, the Board will apply additional conditions to a premises licence to address specific issues relating to a particular premises.
- 13.4 In making decisions about premises licences, the Board will aim to permit the use of premises for gambling in so far as the Board thinks it is:
- In accordance with any relevant Code of Practice issued by the Gambling Commission.
 - In accordance with any relevant Guidance issued by the Gambling Commission.
 - Reasonably consistent with the licensing objectives.
 - In accordance with the Statement of Principles.
- 13.5 Definition of Premises. The Act defines premises as being “any place”. A single premises cannot have more than one premises licence. However, it is possible that a single building could have more than one premises licence, provided that the licences apply to different parts of the building and it is reasonable to regard those different parts of the building as being separate premises. It is a question of fact and circumstances as to whether different parts of a building can properly be regarded as separate premises and the Board will consider each case on its own merits. However, Guidance from the Gambling Commission states that “the Commission does not consider that areas of a building that are artificially or temporarily separated can properly be regarded as different premises”. Therefore, the Board will expect there to be a sufficient degree of separation between different parts of a building before being satisfied that these different parts constitute separate premises. Accordingly, the Gambling Commission states in its current Guidance that licensing authorities should pay

particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between the premises are observed.

- 13.6 In accordance with the Guidance issued by the Gambling Commission, the Board will pay particular attention to premises which are accessed through other premises, whether licensed or unlicensed. The Board will look particularly at the compatibility of the two premises, particularly having regard to the persons who may resort to each of the premises. The Board will look at such things as the entrances and exits to different parts of the building and the segregation of gambling from non-gambling areas.
- 13.7 Paragraph 1.5 of this Statement of Principles specified the statutory licensing objectives to which the Board would have regard in exercising its functions under the Gambling Act 2005. Detailed below are the principles which the Board will apply in relation to each of the licensing objectives.
- 13.8 The first licensing objective is “preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime”. The Gambling Commission will take the leading role in relation to this objective and the Board will have regard to any Guidance or Advice issued by the Gambling Commission.
- 13.9 The Board will consider whether there is any likelihood of violence or of public order or policing problems if a licence were to be granted. The Board will look at the location of the premises and whether there is any history of violence or disorder or any connection with crime.
- 13.10 The Board will take into account the following:
- The design and layout of the premises.
 - Any physically security features within the premises, such as CCTV and any systems for controlling entry to the premises (e.g. door stewards).
 - Any training given to staff relating to prevention of crime or disorder.
 - The likelihood of any violence, public order or policing problems of the licence granted.

- 13.11 There is no evidence that the operation of betting offices has required CCTV or door supervisors for the protection of the public. The authority will only impose the requirement for any of the above in circumstances where there is clear evidence, from the history of trading at specific premises, that such premises cannot be adequately supervised from the counter and that any one or more of such requirements are both necessary and proportionate.
- 13.12 The second licensing objective is “ensuring that gambling is conducted in a fair and open way”. The Gambling Commission has primary responsibility for ensuring that gambling is conducted in a fair and open way. This is really a matter relevant to operating and personal licences and therefore the Board do not state any principles in regard to this objective.
- 13.13 The third licensing objective is “protecting children and other vulnerable persons from being harmed or exploited by gambling”;
- 13.14 The general intention of the Gambling Act 2005 is that children and young persons should not be permitted to gamble and that they should be protected from harm or exploitation by gambling. This means both preventing them taking part in gambling and also restricting advertising so that gambling products are not aimed at children or advertised in a way that makes them particularly attractive to children.
- 13.15 The Board will consider whether specific measures will be needed to protect children in relation to particular premises. The Board will look at measures such as supervision of entrances and segregation between gambling and non-gambling areas.
- 13.16 The Act does not define “vulnerable persons” but the Guidance from the Gambling Commission suggests that this group will include people who gamble more than they want to or gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs.
- 13.17 The Board will consider in relation to particular premises whether any special circumstances apply which are relevant to the protection of vulnerable persons.
- 13.18 The Board considers it “best practice”, that premises display appropriate information for vulnerable people who may require or are seeking help with gambling related issues.

Conditions on Licensing Premises

- 13.19 The Board will judge the merits of each individual application before reaching a decision on it, including whether to impose conditions to protect children or vulnerable persons. Any controls which might be required may also depend on the type of premises being considered and, in particular, whether and to what extent children are allowed in those premises. Such conditions may require, particularly in relation to children: supervision of entrances; segregation of gambling areas from areas frequented by children or family-based activities; restriction on advertising where children and/or vulnerable persons may be near premises, and supervision of gaming machines in non-adult gambling specific premises.

In respect of “vulnerable persons”, the Board will also have particular regard to representations relating to the internal layout of premises, as well as any concerns in relation to the location of applicant premises.

- 13.20 Any representations relative to a premises licence application should address why any conditions being sought should be imposed. The Board has a legal duty to permit gambling activity insofar as the gambling activity is consistent with the licensing objectives. Accordingly, any representations should include supporting evidence of any gambling related risks or harms relating to the premises or the area of the premises.

- 13.21 In appropriate cases the Board will apply conditions to any premises licence. Any such conditions will be:

- Proportionate.
- Relevant to the need to make the proposed building suitable as a gambling facility.
- Directly related to the premises and the type of licence applied for.
- Fairly and reasonably related to the scale and type of premises.
- Reasonable in all other respects.

- 13.22 In order to inform the Board in its decision to impose any conditions on a licence, a Risk Assessment template has been

produced for applicants to complete and submit as evidence with their application. The template is set out at **Appendix 3**. The template is produced as guidance to applicants. Applicants are free to submit their own risk assessments, but in doing so they must ensure that the Board is provided with adequate information.

14.0 Gaming Centre and Gaming Machine Permits

14.1 The Board can grant or refuse a permit but cannot attach conditions to a permit.

14.2 The Board will expect applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible.
- That the applicant has no relevant convictions (as set out in Schedule 7 of the Gambling Act 2005).
- That staff are trained to have a full understanding of the maximum stakes and prizes.
- That the applicant has in place suitable policies and procedures for the protection of children and vulnerable persons.

15.0 Adult Gaming Centres

15.1 The Board will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to demonstrate that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the premises.

15.2 Sufficient measures that will be imposed as appropriate licensing conditions may include, but are not limited to such conditions as proof of age schemes, CCTV, door supervisors, supervision of entrances/machine areas, physical separation of areas, location of entry, notices & signage and opening hours.

16.0 Family Entertainment Centres

- 16.1 The Board shall have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to demonstrate that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the adult only gaming machine areas.
- 16.2 In accordance with the Gambling Commission's Guidance, the Board will ensure that it is sufficiently aware of any conditions that apply to operating licences, for instance those covering the way in which the area containing category C or higher machines should be delineated.

17.0 Unlicensed Family Entertainment Centre Gaming Machine Permits

- 17.1 Where the operator of a family entertainment centre (FEC) does not hold a premises licence but wishes to provide gaming machines, he or she may apply to the licensing authority for this permit. The applicant must demonstrate that the premises will wholly or mainly be used for making gaming machines available for use.
- 17.2 Unlicensed FECs will be able to offer only category D machines under the gaming machine permit. Any number of category D machines can be made available with such a permit. Permits cannot be issued in respect of vessels or vehicles.
- 17.3 The Board can grant or refuse a permit but cannot attach conditions to this type of permit.
- 17.4 The Board will expect any permit applicant to demonstrate that there are policies and procedures in place to protect children from harm. Although such "harm" clearly includes harm from gambling, there are wider child protection considerations to be considered in addition thereto.

18.0 Casinos

- 18.1 There are currently no Casinos operating within the Board's licensing area. The Board has not passed a "No Casino" resolution under Section 166 of the Act.
- 18.2 On an application for such a licence, the Board shall take account of the Act and The Gambling Commission's Guidance together with having regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to demonstrate that there will be sufficient measures in place to comply with the licensing objectives, this policy and the Gambling Commission's Guidance Notes.

19.0 Bingo Premises

- 19.1 The Gambling Commission's Guidance states that Licensing Authorities will need to satisfy themselves that Bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from being used for bingo, and then applies for a new premises licence, or multiple licences for that excluded area.
- 19.2 This authority also notes the terms of the Guidance regarding the unusual circumstances where an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence becomes divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 19.3 Children and young people (anyone up to the age of 18) are allowed into bingo premises; however, they are not permitted to participate in the bingo activity. If category B and/or C machines are made available for use, these must be separated from areas where children and young people are allowed access. Children and young people cannot be employed in providing any facilities for gambling on bingo premises and children (anyone under the age of 16) cannot be employed in any capacity at a time when facilities for playing bingo are being offered. However, young people (aged 16 and 17) may be employed in bingo premises (while bingo is being played) provided the activity in which they

are employed are not connected with gaming or gaming machines.

20.0 Betting Premises

- 20.1 The Act contains a single class of licence for betting premises. Different types of premises will require licensing, including betting offices on tracks that have a separate premises licence from the track licence. It is not permissible for the operator to offer gaming machines on premises which are licensed for betting but not to offer sufficient facilities for betting.
- 20.2 The Licensing Authority will, in terms of the Gambling Commission Guidance take into account the size of the premise, the number of counter positions available for person to person transactions and the ability of the staff to monitor the use of the machines by children and young people (it is an offence for those under 18 to bet) or by vulnerable people when considering the number or nature of machines or the circumstances of betting machines an operator wants to offer.

21.0 Tracks

- 21.1 There are currently no tracks within the Board's licensing area.
- 21.2 The Act contains rules which apply to applicants for a premises licence in relation to a track. The applicant need not hold an operating licence because the betting which is provided upon the track will be provided by other operators, who come on-course. Since those people will require the necessary operating licences, the Act allows the track operator to obtain a premises licence without also having to hold an operating licence. This track premises licence then authorises anyone upon the premises with an operating licence to offer betting facilities.
- 21.3 Tracks are different from other premises in as much as there may be more than one premises licence in effect, each covering a specified area of the track. In accordance with the Gambling Commission's Guidance, the Board will especially consider the impact of the third licensing objective in this area.
- 21.4 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling. The need to ensure entrances to each

type of premises are distinct and that children are excluded from gambling or betting areas where they are not permitted to enter.

- 21.5 Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when events take place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided. A track premises licence does not automatically allow gaming machines to be provided, but gaming machines may be permitted where a pool betting operating licence is also held by the track owner. Premises licence applicants will have to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.
- 21.6 In accordance with the Gambling Commission's Guidance, the Board shall attach a condition to track premises licences requiring the track operator ensures that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public.

22.0 Travelling Fairs

- 22.1 The Board shall consider whether the application falls within the statutory definition of a travelling fair.
- 22.2 Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the Board will decide whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met.
- 22.3 The 27 day statutory maximum for the land being used for a fair is per calendar year shall apply 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.

23.0 Small Society Lotteries

- 23.1 A non-commercial society that runs a lottery where the income is below certain specified thresholds can register with the Licensing Board.
- 23.2 The financial limits that apply to these societies are that the proceeds from one individual lottery cannot exceed £20,000 and in a calendar year the total proceeds cannot exceed £250,000. If

these limits are likely to be breached, then the Society requires to apply to the Gambling Commission for a Lottery Operating Licence. Societies cannot hold both permissions at the same time.

- 23.3 Registration requires the Society to name a person responsible for the promotion of the lottery and to submit lottery returns within three months of the date of the lottery draw. Should the responsible person cease to be responsible for the lottery, the Society requires to nominate a new responsible person.

24.0 Temporary Use Notices and Occasional Use Notices

- 24.1 The general principles specified in this Statement of Principles and the specific principles relating to premises licences will be applied by the Board in relation to temporary use notices and occasional use notices. However, the Board will bear in mind the temporary/occasional nature of the use when making decisions with regard to these.

24.2 Temporary Use Notices

Where a gambling operator does not hold a premises licence but wishes to use the premises temporarily for providing facilities for gambling he or she may apply for a temporary use notice which may be granted if the applicant holds a relevant operating licence.

- 24.3 The legislation and the Gambling Commission's Guidance define premises as including "any place" and refer to a "set of premise". The Board will consider amongst other things, the ownership/occupation and the control of the premise when determining any particular case.

- 24.4 A set of premises may not be the subject of a temporary use notification for more than 21 days in a period of 12 months.

24.5 Occasional Use Notices

Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice, for a full premises licence.

- 24.6 The Board will ensure that the statutory limit of eight days in a calendar year is not exceeded and will consider the definition of a "track" in determining whether the applicant is permitted to avail him/herself of this notice.

25.0 Reviews

- 25.1 A premises licence may be reviewed by the Board either of its own volition or following receipt of an application for review from a responsible authority or an interested party. The Board will be the sole determining body on whether a review should or will be carried out.
- 25.2 In carrying out reviews, the Board will act:
- Expeditiously.
 - Fairly.
 - In accordance with the Gambling Act 2005 and any regulations issued under the Act.
 - In accordance with any Guidance or Code of Practice issued by the Gambling Commission.
- 25.3 Section 200 of the Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises.
- 25.4 An application for review may be rejected if the Board is of the view that the grounds on which the review is sought:
- are not relevant to the principles that must be applied by the licensing authority in accordance with Section 153;
 - are frivolous or vexatious;
 - will certainly not cause the authority to revoke or suspend the licence or exclude, remove or amend a condition attached to the licence; or
 - are substantially the same grounds specified in an earlier application in respect of the same premises or are substantially the same as representations made in relation to the application for the premises licence.
- 25.5 In determining whether to exercise the power to reject an application for review, the Board will take into account the length of time that has elapsed since the making of the earlier application or since the making of the application.

26.0 Provisional Statements

- 26.1 Section 204 of the Act provides that a person may make an application to the licensing authority for a Provisional Statement in respect of premises that he or she expects to be constructed, expects to be altered or expects to acquire a right to occupy.
- 26.2 The Gambling Commission's Guidance states that "it is a question of fact and degree whether the premises are finished to a degree that they can be considered for a premises licence" and that "requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".
- 26.3 In terms of representations about premises licence applications following the grant of a provisional statement, no further representations from relevant authorities or interested parties will be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.
- 26.4 The Board may refuse the premises licence or grant it on terms different to those attached to the provisional statement only by reference to matters:-
- which could not have been raised at the provisional licence stage; or
 - which, in the Board's opinion, reflects a change in the operator's circumstances.
- 26.5 The Gambling Commission's Guidance states that licensing authorities must not have regard to whether or not a proposal by an applicant is likely to be permitted in accordance with planning or building law as these matters are dealt with under separate legislation and regulations.

27.0 Equality and Diversity

- 27.1 Inverclyde Licensing Board is committed to promoting equal opportunities, valuing diversity and tackling social exclusion. The Board aims to provide opportunities that meet the diverse needs of all citizens of Inverclyde by ensuring that services and employment opportunities are accessible to all. Every person

making an application to, or appearing before the Board will be treated fairly and with respect.

- 27.2 Inverclyde Licensing Board has published its Equality Statement and Progress reports as required under Equality legislation. The reports may be found at: <http://www.inverclyde.gov.uk/law-and-licensing/licensing/alcohol-and-gambling/licensing-board/licensing-board-policies-regulations-and-public-information/equalities-report>. The Board expects all applicants, operators, permit holders and licence holders within Inverclyde to be fully aware of its Equality agenda and to ensure that applications are made in such a way as to be consistent with this agenda.

28.0 Declaration

- 28.1 The Board declares that in producing its policy statement, it has had regard to the Licensing objectives set out in Paragraph 1.5, the Guidance issued by the Gambling Commission and the responses received from those consulted in the preparation of the Statement.

Additional information for licence holders is set out in the following Appendices which are attached to this report:

- | | |
|-------------------|--|
| Appendix 4 | Summary of Gaming Entitlements for Clubs and Alcohol Licensed Premises |
| Appendix 5 | Summary of Machine Provisions by Premises |
| Appendix 6 | Summary of Offences under the Gaming Act 2005 |

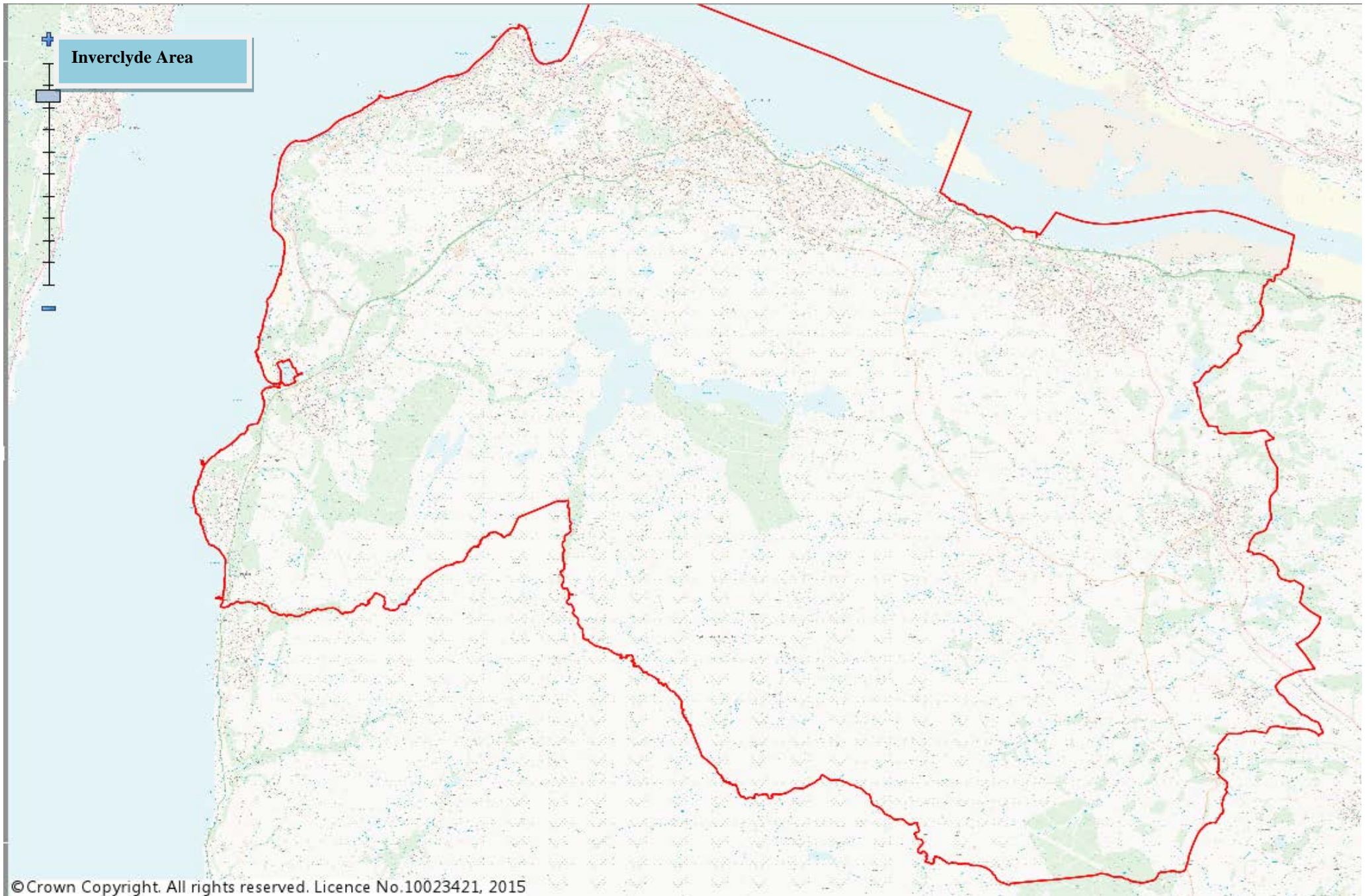
LIST OF CONSULTEES

Name	Town	Type
Admiral	GREENOCK	Gambling
Betfred	GREENOCK	Gambling
Betfred	GREENOCK	Gambling
Betfred	PORT GLASGOW	Gambling
Coral	GREENOCK	Gambling
Coral	GREENOCK	Gambling
Ladbrokes	GREENOCK	Gambling
Ladbrokes	PORT GLASGOW	Gambling
Club 3000	GREENOCK	Gambling
Paddy Power	GREENOCK	Gambling
Stewarts Amusements	GREENOCK	Gambling
Wemyss Bay Holiday Park Arcade	WEMYSS BAY	Gambling
William Hill	GOUROCK	Gambling
Wemyss Bay Holiday Park Arcade	WEMYSS BAY	Family Entertainment Centre
Adult Protection Committee	GREENOCK	Organisation
H M Revenue & Customs	GLASGOW	Organisation
Health & Social Care Partnership	GREENOCK	Organisation
Inverclyde Integrated Drugs Services	GREENOCK	Organisation
Scottish Association for Mental Health	GREENOCK	Organisation
The Chief Constable	GREENOCK	Organisation
The Chief Constable	RENFREWSHIRE	Organisation
The Chief Fire Safety Officer	GREENOCK	Organisation
The Gambling Commission	BIRMINGHAM	Organisation
The Head of Regeneration, Planning & Public Protection	GREENOCK	Organisation
Chief Social Work Officer, Inverclyde Council	GREENOCK	Organisation
Child Protection Committee	GREENOCK	Organisation
Your Voice	GREENOCK	Organisation
Ardgowan Evangelical Church	GREENOCK	Religion
Lyle Kirk	GREENOCK	Religion
Bethany Hall Assembly	GOUROCK	Religion
Church of Jesus Christ Latter Day Saints	GREENOCK	Religion
City Church Greenock	GREENOCK	Religion
East End Church	GREENOCK	Religion
Fire Christian Fellowship	GREENOCK	Religion
Gourock Baptist Church	GOUROCK	Religion
Greenock Baptist Church	GREENOCK	Religion
Greenock East United Reformed Church	GREENOCK	Religion
Greenock Elim Church	GREENOCK	Religion
Greenock Free Church of Scotland	GREENOCK	Religion

Greenock Methodist Church	GREENOCK	Religion
Greenock West United Reformed Church	GREENOCK	Religion
Hamilton Bardrainney Church	PORT GLASGOW	Religion
Holy Family RC Church	PORT GLASGOW	Religion
Inverkip Church	INVERKIP	Religion
Kilmacolm Old Kirk	KILMACOLM	Religion
Old Gourock & Ashton Church	GOUROCK	Religion
Orangefield Baptist Church	GREENOCK	Religion
Port Glasgow Baptist Church	PORT GLASGOW	Religion
Port Glasgow United Reformed Church	PORT GLASGOW	Religion
Prospecthill Christian Fellowship	GREENOCK	Religion
Skelmorlie & Wemyss Bay Church	SKELMORLIE	Religion
St Andrew's Church	PORT GLASGOW	Religion
St Andrew's RC Church	GREENOCK	Religion
St Bartholomew Church	GOUROCK	Religion
St Columba's Church	KILMACOLM	Religion
St Fillian's Church	KILMACOLM	Religion
St Francis Church	PORT GLASGOW	Religion
St George's North Church	GREENOCK	Religion
St John's Church	GOUROCK	Religion
St John's Episcopal Church	GREENOCK	Religion
St John's RC Church	PORT GLASGOW	Religion
St Joseph's & St Patrick's Catholic Church	WEMYSS BAY	Religion
St Joseph's Church	GREENOCK	Religion
St Laurence's Church	GREENOCK	Religion
St Luke's Parish Church	GREENOCK	Religion
St Margaret's Church	GREENOCK	Religion
St Martin's Church	PORT GLASGOW	Religion
St Mary's Episcopal Church/Rectory	PORT GLASGOW	Religion
St Mary's RC Church	GREENOCK	Religion
St Ninian's Church	GREENOCK	Religion
St Ninian's RC Church	GOUROCK	Religion
St Patrick's Church	GREENOCK	Religion
St Sillan's Scottish Episcopal Church	KILMACOLM	Religion
Struthers Memorial Church	GOUROCK	Religion
Struthers Memorial Church	GREENOCK	Religion
The Mount Kirk	GREENOCK	Religion
The Salvation Army	GREENOCK	Religion
The Salvation Army	PORT GLASGOW	Religion
Inverclyde Muslim Centre	GREENOCK	Religion
Wellpark Mid Kirk	GREENOCK	Religion
Aileymill Nursery School	GREENOCK	School
Aileymill Primary School	GREENOCK	School
All Saint Primary School	GREENOCK	School
Ardgowan Primary School	GREENOCK	School
Binnie Street Children's Centre	GOUROCK	School
Blairmore Nursery School	GREENOCK	School
Bluebird Family Centre	GREENOCK	School
Clydeview Academy	GOUROCK	School

Craigmarloch School	PORT GLASGOW	School
Early Years Language Centre	GREENOCK	School
Garvel Deaf Centre	GOUROCK	School
Gibshill Children's Centre	GREENOCK	School
Glenbrae Children's Centre	GREENOCK	School
Glenpark Early Learning Centre	GREENOCK	School
Gourock Primary School	GOUROCK	School
Hillend Children's Centre	GREENOCK	School
Inverclyde Academy	GREENOCK	School
Inverkip Nursery Class	INVERKIP	School
Inverkip Primary School	INVERKIP	School
Kilmacolm Nursery Class	KILMACOLM	School
Kilmacolm Primary School	KILMACOLM	School
King's Oak Nursery Class	GREENOCK	School
King's Oak Primary School	GREENOCK	School
Lady Alice Nursery Class	GREENOCK	School
Lady Alice Primary School	GREENOCK	School
Larkfield Children's Centre	GREENOCK	School
Lomond View Academy	GREENOCK	School
Moorfoot Nursery Class	GOUROCK	School
Moorfoot Primary School	GOUROCK	School
Newark Nursery School	PORT GLASGOW	School
Newark Primary School	PORT GLASGOW	School
Notre Dame High School	GREENOCK	School
Port Glasgow High School	PORT GLASGOW	School
Pre-5 Gaelic Unit	GREENOCK	School
Primary Communication & Language Base	GREENOCK	School
Rainbow Family Centre	PORT GLASGOW	School
SALU	GREENOCK	School
Secondary Communications & Language Base	GREENOCK	School
St Andrews' Primary School	GREENOCK	School
St Columba's High School	GOUROCK	School
St Francis' Primary School	PORT GLASGOW	School
St John's Primary School	PORT GLASGOW	School
St Joseph's Primary School	GREENOCK	School
St Mary's Primary School	GREENOCK	School
St Michael's Primary School	PORT GLASGOW	School
St Ninian's Primary School	GOUROCK	School
St Patrick's Primary School	GREENOCK	School
St Stephen's High School	PORT GLASGOW	School
Wellpark Children's Centre	GREENOCK	School
Wemyss Bay Nursery Class	WEMYSS BAY	School
Wemyss Bay Primary School	WEMYSS BAY	School
Whinhill Nursery Class	GREENOCK	School
Whinhill Primary School	GREENOCK	School
Inverkip & Wemyss Bay	INVERKIP & WEMYSS BAY	Community Council
Gourock	GOUROCK	Community Council
Greenock East	GREENOCK EAST	Community Council

Greenock South West	GREENOCK SOUTH WEST	Community Council
Greenock West & Cardwell Bay	GREENOCK WEST & CARDWELL BAY	Community Council
Larkfield, Braeside & Branchton	LARKFIELD, BRAESIDE & BRANCHTON	Community Council
Kilmacolm & Quarriers Village	KILMACOLM & QUARRIERS VILLAGE	Community Council
Port Glasgow West	PORT GLASGOW WEST	Community Council
Port Glasgow East	PORT GLASGOW EAST	Community Council



Risk Assessment

Expected Control Procedures	In place	Evidence Available	Comments
	Yes/No/N/a		
Objective: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime			
1. Use of appropriately trained staff, including door and other staff and staff rota ensured trained staff are on duty at all times.		Staff details including qualifications, number of staff and staff duty rota with locations. Staff training records in relation to crime prevention measures.	
2. Notices are prominently displayed on the premises and visible to members of the public stating: a) CCTV is recording on the premises (where required by legislation) – kept for minimum of 31 days and available to the police and the Licensing Authority on request b) Drugs will not be tolerated and persons found possessing/dealing will be excluded from the premises c) Drunkenness and those under the influence of drugs will not be tolerated on the premises		Notices with relevant information CCTV records retained for minimum of 31 days Drugs/Alcohol policy	
3. Staff are able to survey entrances, exits and any dark or hidden areas.		Plan of the premises confirming the design and layout of the premises: - Location of lighting inside and outside the premises - Location of any physical security features eg CCTV equipment, its coverage of the interior and exterior of the premises	
4. Proof of age schemes		Information on proof of age schemes	

Expected Control Procedures	In place	Evidence Available	Comments
	Yes/No/N/a		
Objective: Ensuring that gambling is carried out in a fair and open way			
1. Rules and terms of gambling are in place which ensure customers can make an informed decision as to whether and how to participate in gambling: a) Information is bold, precise and clearly located on or near where the game or bet is placed b) Where the customer base includes people whose first language is not English, notices are in other languages as appropriate c) Information displayed includes: i. Rules of the game or bet ii. The odds of winning or losing in different scenarios iii. Changes in the rules which must be bold, precise and communicated to the customer iv. The average return to the player v. The minimum and maximum stakes vi. Information about the machine characteristics (eg compensated or random) vii. Dispute and complaints procedure d) No advertising or other marketing tool inside or outside the premises or any part of the media which misleads the customer as to the rules of the game or encourages them not to read the rules e) Layout of the premises ensures that the games and bets can be conducted in a fair and open way.		Contractual terms and conditions of gambling Notices displayed Dispute and complaints procedure Plan of the premises confirming the design and layout of the premises	

Expected Control Procedures	In place	Evidence Available	Comments
	Yes/No/N/a		
Objective: The protection of children and other vulnerable persons from being harmed or exploited by gambling			
<div>1. The design and layout of the premises and any external signage, advertising or promotional material is not aimed or marketed at attracting children to premises or areas which are reserved for adult gambling</div> <div>2. Children are prevented from being in close proximity to types of gambling restricted to adults</div> <div>3. Staff have been appropriately trained to understand:<div><div>a) Which class of machines are restricted to adults only</div><div>b) Any areas where children and young persons are not to be permitted</div><div>c) Child protection requirements</div><div>d) Reporting concerns about the welfare of a child to children and families within the Council</div><div>e) Reporting concerns about the welfare of vulnerable persons to the adult services within the Council</div></div></div> <div>4. There is supervision of entrances</div> <div>5. There is segregation of gambling from areas frequented by children</div> <div>6. There are separate and identifiable entrances and exits from parts of buildings with more than one licence</div> <div>7. For category C or above machines:<div><div>a) all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier</div><div>b) only adults are permitted to the area where machines are located</div><div>c) access to the area where the machines are located is supervised</div><div>d) the area is arranged so that it can be observed by staff</div><div>e) there are prominent notices displayed indicating that access to the area is prohibited to persons under 18</div></div></div>		<div>Plan of the premises confirming the design and layout of the premises</div> <div>Staff training records</div> <div>Physical barriers</div> <div>Staff rota showing location</div> <div>Notices on display</div>	

Expected Control Procedures	In place	Evidence available	Comments
	Yes/No/N/a		
Objective: The protection of children and other vulnerable persons from being harmed or exploited by gambling			
8. Convictions or cautions in relation to the admission of under 18 year olds have been properly addressed: a) limits to when children can be admitted to the premises during hours of operation b) children under a certain age are required to be accompanied by an adult c) an age limitation for under 18s d) access is limited to certain parts of the premises		Proof of age scheme Plan of the premises confirming the design and layout of the premises Staff training records Physical barriers Staff rota showing location Notices on display	

APPENDIX 4

Summary of Gaming Entitlements for Clubs and Alcohol Licensed Premises

	Members' club or MW institute with club gaming permit	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £100 per premises per day Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Max participation fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (for a commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon <i>Chemin de fer</i>	None permitted	None permitted	None permitted	None permitted
Limits on bingo **	Maximum of £2,000 per week in stakes or prizes.	No bingo permitted	Maximum of £2,000 per week in stakes or prizes.	Maximum of £2,000 per week in stakes or prizes.	Maximum of £2,000 per week in stakes or prizes.

* On a day when no other facilities for gaming are provided

** If more than the maximum, then an operating licence will be required.

APPENDIX 5

Summary of Machine Provisions by Premises

	Machine category						
Premises type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo premises¹		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4					
Adult gaming centre²		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4					
Licensed family entertainment centre³		No limit on category C or D machines					
Family entertainment centre (with permit)³		No limit on category D machines					
Clubs or miners' welfare institute (with permits)⁴		Maximum of 3 machines in categories B3A or B4 to D					
Qualifying alcohol-licensed premises		1 or 2 machines of category C or D automatic upon notification					
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)		Number of category C-D machines as specified on permit					
Travelling fair		No limit on category D machines					

¹ Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight ¹⁰⁷ category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines. ² Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

¹⁰⁷ The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009 ³. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit. ⁴ Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. ⁵ Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

APPENDIX 6

Summary of Offences under the Gambling Act 2005

General offences regarding the provision of gambling facilities	
Providing gambling facilities in Great Britain without a relevant licence, permit, notice, or exemption included under the Act.	S.33
Using premises to provide gambling facilities from, or causing them to be provided, without a relevant licence, permit, notice or exemption under the Act.	S.37

Offence regarding cheating at gambling	
Cheating, attempting to cheat, or assisting another person to cheat at gambling.	S.42

Offences committed towards or by under-18s	
<p>Inviting, causing or permitting a child (under 16) or young person (16 – 17) to gamble, with the exception of:</p> <ul style="list-style-type: none"> • private / non-commercial gaming and betting • participating in lotteries • participating in football pools • using a category D gaming machine • participating in equal chance gaming at premises subject of a prize gaming permit or an FEC premises licence • participating in prize gaming at a fair or an unlicensed FEC <p>This offence includes intentional distribution of advertising to under-18s where the intent is to encourage gambling.</p>	S.46
<p>It is also an offence on the part of a young person to gamble with the exception of situations listed above.</p>	S.48
<p>Inviting or permitting a child or young person to enter:</p> <ul style="list-style-type: none"> • a casino • a betting premises (except for betting areas of horse and greyhound tracks on race days) • an adult gaming centre • areas of a family entertainment centre where category C gaming machines are situated. <p>This offence is committed at all times when the premises listed above are being used in reliance on the premises licence.</p>	S.47
<p>It is also an offence on the part of a young person to enter the premises listed above.</p>	S.49
<p>Young person providing facilities for gambling, with the exception of:</p> <ul style="list-style-type: none"> • private / non-commercial gaming and betting • a lottery • football pools • prize gaming at a travelling fair. 	S.50
<p>Employing a child or young person to provide gambling facilities, with the exception of providing the following facilities:</p> <ul style="list-style-type: none"> • private / non-commercial gaming and betting • prize gaming at a travelling fair. 	S.51

Employing a child to provide facilities in connection with: <ul style="list-style-type: none"> • a lottery • football pools. 	S.52
Employing a child for any purposes when bingo is provided or gambling provided in accordance with a club gaming permit or club machine permit.	S.53
Employing a child or young person to perform any function connected to a gaming machine. It is also an offence on the part of a young person if they are employed in such a role.	S.54
Employing a child or young person in a casino, an adult gaming centre, or at a betting premises, unless it is at a time when no activity is being carried on in reliance on the premises licence. It is also an offence on the part of a young person if they are employed in such a role.	S.55
Inviting, causing or permitting a child to take part in football pools or a lottery with the exception of: <ul style="list-style-type: none"> • an incidental lottery • a private lottery • part of the National Lottery. 	Sections 56 and 57
Failure to comply with an operating licence condition to return stake to a child or young person.	S.58

Offences connected to operating licences	
Failure to comply with an operating licence condition to return stake to a child or young person.	S.58
Failing without reasonable excuse to notify the Commission of change in circumstances.	S.101
Licensee failing without reasonable excuse to produce their operating licence when requested by a police officer or enforcement officer.	S.108
Licensee failing to notify the Commission without reasonable excuse and as soon as reasonably practicable about conviction of an offence.	S.109
Licensee failing to notify the court upon conviction of a relevant offence that they are an operating licence holder.	S.109
Licensee failing without reasonable excuse to produce records for the Commission relating to operating licensed activities or information about licensed activities.	S.122
Operating licence holder fails without reasonable excuse to produce the authorisation they have given to someone to accept bets on their behalf, when asked to do so by a police officer or enforcement officer. This offence can also apply to the person that has been authorised to accept bets.	S.316

Offences connected to personal licences	
Failure without reasonable excuse to produce a personal licence to a police officer or enforcement officer.	S.134
Licensee failing to notify the Commission as soon as reasonably practicable about a conviction of offence.	S.138
Licensee failing to act within the terms and conditions of their licence.	S.139

General offences connected to all premises licences	
Licensee failing without reasonable excuse to keep premises licence on premises and make available for inspection to a police officer, enforcement officer or authorised person.	S.185
Licensee failing to notify without reasonable excuse the licensing authority about change of residential address or other details on the licence.	S.186

Offences connected to temporary use notices	
Failure of premises licence holder to without reasonable excuse prominently display or make available their temporary use notice to a police officer, customs and excise officer, enforcement officer or licensing authority officer.	S.229

Offences connected to gaming machines	
Making a gaming machine available for use without a relevant licence or permit, or in contravention of regulations made under s.240 of the Act (SI No 2007/2319).	S.242
Manufacturing, supplying, installing, adapting, maintaining, or repairing a gaming machine without a suitable operating licence, unless: <ul style="list-style-type: none"> • the gaming machine is scrap with no commercial value • the gaming machine is incidental to the sale/letting of previously-licensed property. 	S.243
Supplying, installing, adapting, maintaining or repairing a gaming machine (or part of) without complying with regulations made under s.241 of the Act (SI: No. 2007/2320), unless: <ul style="list-style-type: none"> • the gaming machine is scrap with no commercial value • the gaming machine is incidental to the sale/letting of previously-licensed property. 	S.243
Supplying, installing or making available for use a gaming machine allowing payment by credit card.	S.245

Offences connected to lotteries	
The offences listed here do not apply to lotteries or products forming part of the National Lottery, which are dealt with under the National Lottery etc. Act 1998 rather than the Gambling Act 2005. Police enquiries regarding offences connected to the National Lottery should be directed to the Commission	
Promoting a non-exempt lottery without a suitable operating licence or on behalf of someone with a suitable operating licence.	S.258
Facilitating a non-exempt lottery without holding a suitable operating licence (where facilitating includes functions such as advertising and printing tickets and promotional materials).	S.259
Misusing profits from a lottery, ie using them or causing them to be used for purposes other than the advertised purpose of the lottery.	S.260
Misusing profits from an incidental lottery, a private society lottery, a work lottery, a residents' lottery or a small society lottery.	S.261
A non-commercial society promoting a lottery without being registered with a licensing authority, or failing to provide the licensing authority with returns (or providing false returns) following a small society lottery.	S.262

Offence connected to bingo played in clubs and institutes	
Failing without reasonable excuse to inform the Commission of periods of high turnover bingo if the club or institute does not hold an operating licence (high turnover bingo being where the stakes or prizes of all games of bingo played in a seven day period exceed £2,000).	S.275

Offence connected to use of proceeds from gaming at non-commercial events	
Using the profits (or permitting them to be used) from non-commercial prize gaming or equal chance gaming for a purpose other than that specified as the fund-raising purpose of the gaming.	S.301

Offence connected to casino premises licences	
Failure on the part of the casino premises licence holder to produce upon demand (by a police officer or enforcement officer) the authorisation they have given to someone to provide bingo or betting facilities at the casino in question. This offence can also be committed by the individual or organisation authorised by the casino premises licence holder if they fail to produce the authorisation.	S.316

Offence of obstructing or failing to co-operate during an inspection	
Obstructing or failing to cooperate without reasonable excuse with a police officer, enforcement officer or authorised person carrying out inspection activity under Part 15 of the Act.	S.326

Offence of providing false or misleading information	
Providing false or misleading information to the Commission or a licensing authority regarding any provision of the Act.	S.342

Offences connected to advertising of gambling facilities	
Contravention of any regulations relating to gambling advertising. (NB the Secretary of State for Culture, Media and Sport has chosen not to exercise their reserve powers to make such secondary legislation at this time).	S.328
Knowingly advertising unlawful gambling without reasonable belief otherwise.	S.330
Advertising foreign gambling facilities other than lotteries (in accordance with regulations SI: 2007/2329).	S.331

Offence of failing to comply with a forfeiture order	
Failure to comply with a court's forfeiture order to surrender named materials to a police officer, or co-operate with steps to comply with the order.	S.345

Offence connected to unlicensed family entertainment centres	
Occupier of premises failing without reasonable excuse to produce their family entertainment centre gaming machine permit for a police officer, enforcement officer or authorised officer.	Schedule 10(20)

Offences connected to club gaming and club machine permits	
Failing without reasonable excuse to produce a club gaming permit or club machine permit for a police officer or enforcement officer.	Schedule 12(13)
Failure without reasonable excuse to have club gaming or club machine permits varied by the licensing authority as soon as practicable upon a change of circumstances.	Schedule 12(15)

Offence connected to alcohol licensed premises gaming machine permits	
Failure without reasonable excuse to produce a licensed premises gaming machine permit upon the request of a police officer, enforcement officer or authorised person.	Schedule 13(10)

Offence connected to prize gaming permits	
Failure without reasonable excuse to produce a prize gaming permit upon the request of a police officer, enforcement officer or authorised person.	Schedule 14(20)

Offence connected to gambling software	
Manufacturing, supplying, installing or adapting gambling software without holding a relevant operating licence.	S.41

Offence connected to chain-gift schemes	
Inviting another person to join chain-gift schemes or participating in the promotion of chain-gift schemes.	S.43