

APPENDIX TO REPORT LB47/18

ANGUS LICENSING BOARD

**STATEMENT OF POLICY UNDER SECTION 349
OF THE GAMBLING ACT 2005**

DATE AS APPROPRIATE

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1. **INTRODUCTION**

1.1 **General**

The Angus Licensing Board (“the Board”) is a Licensing Authority under the Gambling Act 2005 (“the Gambling Act”). It is the relevant Licensing Authority for the whole of the local government area of Angus. Information on the boundaries of Angus, including a map of the area, can be found on the Council’s website at:

https://www.angus.gov.uk/council_and_democracy/council_information/angus_council_boundary_map

In terms of Section 349 of the Gambling Act, the Board is required to prepare, before each successive period of 3 years, a statement of the principles that it proposes to apply in exercising its functions under the Gambling Act (a “Policy Statement”). This document fulfils that function.

This statement has been prepared taking into account the statutory guidance of the Gambling Commission (September 2016 edition).

1.2 **Consultation**

In preparing this Policy Statement, the Board has consulted with the following persons:

- ❖ The Chief Constable, Police Scotland
- ❖ The Strategic Director, People, Angus Council
- ❖ The Strategic Director, Place, Angus Council
- ❖ Angus Adult Protection Committee c/o Angus Council
- ❖ Angus Child Protection Committee c/o Angus Council
- ❖ Scottish Licensed Trade Association
- ❖ Angus Health and Social Care Partnership c/o Angus Council
- ❖ Angus Alcohol and Drug Partnership c/o Angus Council
- ❖ All Angus Community Councils
- ❖ All local operators and parties who specifically request consultation
- ❖ Gamcare
- ❖ The Faculty of Procurators and Solicitors in Angus

Consultation took place on a draft of this Policy Statement from XXX with the closing date for responses to consultation being on XXX – UPDATE AS APPROPRIATE

The consultation draft Policy Statement was made available via the Clerk (in electronic or hard copy format), in addition to a link to the document on the "Have Your Say" page of Angus Council's website. Posts were placed on Angus Council's Facebook page and Twitter feed. Comments and suggestions were directed to LAWLicensing@angus.gov.uk.

XX consultation responses were received within the consultation period.

This Statement of Policy comes into effect on XXX and falls to be reviewed and re-published by no later than XXX and 3-yearly thereafter (although it will be reviewed from time to time before then and revised if the Board thinks it necessary).

1.3 Declaration

In producing this statement Angus Licensing Board declares that it had regard to the licensing objectives of the Gambling Act, the Guidance issued by the Gambling Commission and the responses received from those consulted on this statement.

1.4 Summary

A summary of the matters dealt with in this statement is shown as an index on page 2.

2. **PART A** **PRINCIPLES**

Specific statements of the Board's policy are set out below in **bold type** with explanatory text. Sentence headings are for ease of reference only and do not form part of the Statement of Principles, irrespective of typeface.

2.1 **Licensing Objectives**

In carrying out its premises licensing functions and its permit functions, as required by the Gambling Act, the Board will have regard to the licensing objectives (as set out in Section 1 of the Gambling Act):-

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

2.2 **Licensing Board Functions**

The Board will be responsible for considering and determining applications and receiving notifications made in relation to premises licences, provisional statements, temporary use notices, occasional use notices, permits, registrations and automatic entitlements under the Gambling Act.

There are five types of premises licensed under the Gambling Act, namely:

- ❖ Casino Premises;
- ❖ Bingo Premises;
- ❖ Betting Premises, including tracks;
- ❖ Adult Gaming Centres; and
- ❖ Family Entertainment Centres

The other main regulatory functions of the Board under the Gambling Act, relate to:-

- ❖ Club gaming and Club machine permits;
- ❖ Unlicensed family entertainment centre gaming machine permits;
- ❖ Prize gaming permits;
- ❖ Gaming and gaming machines in premises licensed to sell alcohol;
- ❖ Notices for the temporary use of premises for gambling;
- ❖ Occasional use notices for betting at tracks;
- ❖ Small society lotteries promoted by non-commercial societies; and
- ❖ Travelling Fairs

2.3 All Applications

- 2.3.1** Each application will be considered on its own merits. In considering an application, no regard will be had to the expected demand for the facilities proposed in the premises for which authorisation is sought. The Board may apply its local knowledge where that is relevant to the determination.
- 2.3.2** The Board in making a decision in respect of an application under the Gambling Act shall not have regard to whether or not a proposal is likely to be permitted in accordance with the law related to planning or building.
- 2.3.3** Objections to gambling on moral grounds shall not be taken into consideration by the Board when determining applications under the Gambling Act.
- 2.3.4** In seeking to protect vulnerable people, the Board considers that “vulnerable people” includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling perhaps due to a mental impairment or dependency on alcohol or drugs.
- 2.3.5** This Statement of Policy sets out the general approach on the exercise of the Board’s functions under the Gambling Act. Nothing in this Statement of Policy will override the right of any person to make an application under the Gambling Act and to have the application considered on its merits. Nothing in this Statement of Policy will prevent or hinder the right of any person entitled to do so to make representations on any application or to seek a review of the licence where this would be permitted under the Gambling Act.
- 2.3.6** The Board will seek to avoid duplication with other regulatory Regimes. It will adhere to the Regulators’ Compliance Code and principles of Better Regulation so far as possible.

2.4 Premises Licences and Provisional Statements

- 2.4.1** In accordance with Section 153 of the Gambling Act, in exercising the licensing powers and responsibilities under Part 8 of the Act (premises licensing and provisional statements), the Board will aim to permit the use of premises for gambling as long as it is considered to be:
- (a)** in accordance with any relevant Codes of Practice issued by the Gambling Commission;
 - (b)** in accordance with any relevant Guidance issued by the Gambling Commission under section 25 of the

Gambling Act;

- (c) reasonably consistent with the licensing objectives (see paragraph 2.1 above), subject to (a) and (b) above; and**
- (d) in accordance with this Statement of Principles, subject to (a) and (c) above.**

2.4.2 Applications for premises licences and provisional statements in the locality of schools, places where children and young people are wont to frequent or centres for treatment of addiction will only be considered acceptable where the applicant can demonstrate to the Board the absence of any significant risk of harm to children, young people or vulnerable people, as the case may be. "Locality" for the purposes of this policy will be determined with reference to the principles as are set out at policy 4.1(c) below.

2.4.3 When determining whether to grant a premises licence or provisional statement the Board may consider whether any special measures are necessary to protect children and young people, for example proof of age schemes, the segregation of gambling from areas within the premises frequented by children and young people, the supervision of access to relevant areas and the display of notices regarding age restrictions.

2.4.4 Door supervision of gambling premises is not normally required but, where the Board is satisfied on evidence from any relevant source that there is a need for door supervision in accordance with the third licensing objective (protection of children and vulnerable persons from harm or exploitation), then if the premises are of such a type that under-18s are not permitted to enter them and they are within the locality of a school, other than in exceptional circumstances, door supervision will be required at the premises during the times of pupils' arrival at, departure from and lunch breaks from such school. "Locality" for the purposes of this policy will be determined with reference to the principles as are set out at policy 4.1(c) below.

2.4.5 Where gambling in premises is likely to adversely affect vulnerable people, the Board will consider whether any special measures for example self-barring schemes, provision of information leaflets and contact details of organisations such as GamCare and segregation or supervision measures akin to those referred to in policies 2.4.2 and 2.4.3 above, are required, but with reference to protection of vulnerable people rather than children and young people as referred to in those policies.

2.4.6 The Board will always treat each case on its own individual merits and when considering whether to grant an application and whether specific measures are required to protect children, young people and other vulnerable people will balance its consideration against the principle of aiming to permit the use of premises for gambling, where applicable.

2.4.7 The Board may attach a condition to a betting premises licence or casino licence, where betting is permitted in the casino, relating to the number and nature of betting machines (bet receipt terminals) and the circumstances in which they may be made available for use. When considering whether to impose such a condition the Board will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of such machines by children and young people or by vulnerable persons (it being an offence for those under 18 to bet).

2.5 Review of Premises Licences

The Act empowers the Board to initiate a review in relation to a particular class of premises licences, (relative to the use made of premises and arrangements to ensure compliance with licence conditions) and in relation to the use of premises under a premises licence. The Board, before initiating a review in relation to premises under a premises licence, may try informal mediation or dispute resolution techniques.

2.5.1 The Board may consider whether to initiate a review in relation to particular premises where the Board has reason to suspect that premises may have been used otherwise than in accordance with a licence condition, or for any reason which the Board thinks appropriate, and shall do so having regard to the Board's enforcement principles referred to in Section 6.

2.5.2 In considering an application from a responsible authority or an interested party for review of a premises licence the Board shall have regard to whether the operation of the premises is; in accordance with any relevant code of practice and guidance issued by the Gambling Commission; reasonably consistent with the licensing objectives; and in accordance with the Board's Statement of Policy (unless the grounds for the application are frivolous or vexatious; would certainly not cause the Board to revoke or suspend the licence or amend the conditions attaching to it, are substantially the same as in a previous application for review in respect of the premises licence or are substantially the same as representations made in relation to the application for the premises licence).

2.6 Permits

The Board notes that Permits which it issues under the Gambling Act are subject to the conditions imposed by the Gambling Act.

2.6.1 Club Gaming and Club Machine Permits

The Board notes that it may not attach conditions to a Club Gaming or Club Machine Permit.

When considering whether to grant a Club Gaming or Club Machine Permit or to vary a Club Gaming or Club Machine Permit the Board, having regard to the Licensing Objectives, subject to the Gambling Commission Guidance, will consider whether any of the grounds for refusal laid down in the Gambling Act apply.

2.6.2 Family Entertainment Gaming Machine Permits

The Board notes that it may not attach conditions to an Unlicensed Family Entertainment Centre Gaming Machine Permit.

When considering whether to grant an Unlicensed Family Entertainment Centre Gaming Machine Permit the Board may consider the suitability of the applicant and of the premises. "Suitability" of premises for the purposes of this policy may include consideration of the locality of the premises. The Board will expect the applicant to show that there are policies and procedures in place to protect children and young people from harm, (harm in this respect not being limited to harm resulting from gambling), and to protect vulnerable people. In particular the applicant will be required to demonstrate that they have:- no relevant convictions (as set out in Schedule 7 of the Gambling Act); a full understanding of the maximum stakes and prizes permissible in unlicensed Family Entertainment Centres; made and will maintain provision for any staff to be suitable and trained to have a full understanding of the maximum stakes and prizes permissible in unlicensed Family Entertainment Centres.

2.6.3 Prize Gaming Permits

The Board notes that it may not attach conditions to a Prize Gaming Permit.

When considering whether to grant a Prize Gaming Permit, the Board will have regard to the Gambling Commission Guidance and may consider the suitability of the applicant and of the premises. The applicant will be expected to demonstrate that there are policies and procedures in place to protect vulnerable people and where the application relates to premises to which children and young people may have access, that there are policies and procedures in place to protect children and young people from harm (harm not being

limited in this respect to harm resulting from gambling). In particular the applicant will be required to demonstrate:- that they have no relevant convictions (as set out in Schedule 7 of the Gambling Act); that they have a full understanding of the relevant maximum stakes and prizes permissible under the Gambling Act; and that they have made and will maintain satisfactory provision for training to ensure that all staff have a full understanding of the relevant maximum stakes and prizes permissible under the Gambling Act; that the gaming offered is within the law.

2.6.4 Licensed Premises Gaming Machine Permits

Certain alcohol licensed premises have an automatic entitlement to two category C or D gaming machines upon notification of their intention to make gaming machines available for use. A fee is payable to the Board. Premises may apply for a gaming machine permit which will replace this automatic entitlement.

Applications for Licensed Premises Gaming Machine Permits will be considered on their merits but the Board will require clear evidence that the use of the proposed gaming machines is or is likely to be in accordance with the licensing objectives.

The Board will not normally grant permits for licensed premises gaming machines allowing for more than two gaming machines in categories C or D within alcohol licensed premises other than where a special case is made out by the applicant that the permission of additional machines of these categories would be warranted and in accordance with the licensing objectives. In determining such an application the Board may consider the ability of staff to monitor the use of such machines from the counter.

2.7 Temporary Use and Occasional Use

2.7.1 Temporary Use

A set of premises may only be subject to a Temporary Use notice or notices for a maximum of 21 days in a period of 12 months. When determining whether premises form part of a set of premises, the Board may consider such matters as ownership, occupation and control of the premises.

When determining whether and on what terms to issue a Counter- notice, in respect of a Temporary Use notice, the Board shall have regard to the principles referred to in section 2.4.1 above.

2.7.2 Occasional Use

When considering the validity of an Occasional Use notice

the Board shall have regard to the relevant Guidance issued by the Gambling Commission under section 25 of the Gambling Act.

3. DESIGNATED ADVISORY BODY RE PROTECTION OF CHILDREN AND VULNERABLE PERSONS

Under Section 157 of the Act the Board is required to designate in writing a body competent to advise it about the protection of children from harm. The Board also wishes to designate a body from which to seek advice about protection of vulnerable persons for similar purposes.

The Board will apply the following principles in designating a body which is competent to advise it about the protection of children from harm:-

- ❖ **that it should be a body which has responsibility throughout the whole of the Licensing Board's area**
- ❖ **that the body should have experience in relation to "protection of children" issues**

The Board designates the Angus Child Protection Committee, c/o Angus Council, St Margaret's House, Orchard Loan, Orchardbank Business Park, Forfar, DD8 1WS for the purpose of advising the Board about the protection of children from harm.

The Board also designates Angus Council per its Strategic Director – People (of the same address) for the purpose of advising the Board about the protection of vulnerable persons from harm and the Angus Alcohol and Drug Partnership c/o Angus Council for the purposes of advice in relation to persons who are vulnerable due to dependency on drugs or alcohol.

4. INTERESTED PARTIES AND REPRESENTATIONS

The Board is required to have regard to the provisions of Section 158 of the Gambling Act for the purpose of ascertaining if any person is an "interested party" in relation to a premises licence or in relation to an application in respect of a premises licence. Section 158 provides that an interested party is a person who, in the opinion of the Board:

- (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).

The relevance of this determination is that only an interested party (along with responsible authorities) may competently make representations in writing to the Board on applications for premises licences or apply to the Board for a review of a premises licence.

The Board may publish separate guidance for persons wishing to make

representations or apply for a review on how to do so.

4.1 The Board will decide each case on its merits but will apply the following principles in deciding whether or not a person is an “interested party”:

- (a) Given the compact and cohesive nature of the town centres in each of the Angus Burgh towns (Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose) where the licensed premises or proposed licensed premises are located in what the Board judges to be the town centre of any of those towns, then any persons living or having business interests in that town centre (again as identified by the Board) shall be presumed to be interested parties unless the contrary is demonstrated;**
- (b) The onus will be on the person making representations to demonstrate their status as an interested party and to provide sufficient information in or with their written representation to allow the Board to make a determination accordingly (as well as demonstrating the relevancy and merits of the representation);**
- (c) The Board will also take into account the following factors in determining what “sufficiently close to the premises” means:**
 - ❖ The size of the premises;**
 - ❖ The nature of the premises;**
 - ❖ The distance of the premises from the location of the person making the representation;**
 - ❖ The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and**
 - ❖ Any special circumstances of the person making the representations making him/her more susceptible to adverse impact from the premises than other individuals; and**
- (d) The Board will also take into account the following factors in determining what “business interests that might be affected by the premises” means:**
 - ❖ The size of the premises;**
 - ❖ The “catchment area” for the premises (i.e. how far people are likely to travel to visit the establishment); and**
 - ❖ Whether the person making representations has business interests in that catchment area that might be affected. Mere competition in the same gambling sector is insufficient. The Board will not take into account demand for the premises or lack thereof.**

- 4.2 Serving MEPs, MPs and MSPs, whose constituency includes the premises and serving Councillors and Community Councils (as a body) whose Ward or Community Council as the case may be includes the premises, will be deemed to have authority to make representations under Section 158(c) of the Gambling Act (see above) on behalf of interested party(ies), without the need to provide in or with the representations the names and addresses of the interested party(ies) whom they are representing.**

All other persons making representations on behalf of an interested party(ies) will require to produce, to the satisfaction of the Board, the name and address of the interested party(ies) whom they are representing, sufficient information to demonstrate the status of the interested party(ies) as such and written evidence of authorisation by the interested party(ies).

5. USE AND EXCHANGE OF INFORMATION

The Board is required to set out the principles of what will apply in terms of Section 30 of the Gambling Act with respect to exchange of information with the Gambling Commission and its functions under Section 350 with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Gambling Act.

- 5.1 The Gambling Act does not authorise disclosure of information in contravention of the Data Protection Act 2018. The Board will act in accordance with provisions of the Gambling Act in its exchange of information. The Board will also have regard to any relevant guidance issued by the Gambling Commission or the Scottish Ministers on this matter under their powers provided in the Gambling Act.**
- 5.2 Details of applications and representations which are referred to the Board for determination may be published in any statutory reports.**
- 5.3 Details of persons making representations will be disclosed to applicants and may only be withheld from publication on the grounds of personal safety where the Board has been asked to do so by and or on behalf of such persons and the Board considers such requests to be justified.**

6. INSPECTION AND ENFORCEMENT

The Board is required to state the principles to be applied by it in exercising its functions under Part 15 of the Gambling Act with respect to inspection of premises.

The Board's principles are that:

- 6.1 In terms of enforcement (including inspection of premises), the Board will be guided by the Gambling Commission's relevant**

guidance and the principles of the Enforcement Concordat and it will endeavour to be:

- ❖ **Proportionate:** it will only intervene when necessary: remedies will be appropriate to the risk posed and costs to licence/permit holders minimised;
- ❖ **Accountable:** with decisions being justifiable and subject to public scrutiny;
- ❖ **Consistent:** rules and standards will be as joined up as possible and will be implemented fairly;
- ❖ **Transparent and open:** it will provide information and guidance in plain language on the rules it applies.
- ❖ **Targeted:** regulation should be focused on the problem and minimise the side effects.

6.2 The Board will avoid duplication with other regulatory regimes as far as reasonably possible.

6.3 Angus Council will appoint officers under Section 304 of the Gambling Act to act as “authorised local authority officers” and whose powers are set out principally in Sections 307, 309, 310, 311 and 314 of the Gambling Act. In exercising these functions, authorised local authority officers will follow the principles set out at policies 6.1 and 6.2 above.

6.4 The Board recognises that some operators may have a number of premises within its area. In order to ensure that compliance issues are recognised and resolved at the earliest stage, operators may be required to nominate to the Board a single named point of contact and to provide the Board with all necessary up-to-date contact details to allow immediate communication with that named point of contact who must be of sufficient seniority and authority within the operator's organisation to enable swift resolution of compliance issues and with whom the Board and the officers referred to in policy 6.3 will endeavour to make contact first should any compliance queries or issues arise.

PART B **SCHEME OF DELEGATION**

B1. INTRODUCTION

The Scheme of Delegation covers the powers of the Licensing Board in terms of the Gambling Act 2005. These delegations will be subject to any alterations made necessary due to amendments to legislation, regulations, codes of practice or Government circulars. In the event of a conflict between the terms of this Scheme of Delegation and the relevant legislation, the Scheme of Delegation shall be amended forthwith to accord with the provisions of the said relevant legislation.

The Board is committed to decisions on licensing matters being taken in accordance with an approved Scheme of Delegation aimed at underlining the principles of timely, efficient and effective decision making.

B2. GAMBLING ACT 2005

In terms of the Gambling Act, Angus Licensing Board is responsible for the consideration of the following types of applications and matters:-

- ❖ Premises Licences
- ❖ Provisional Statements
- ❖ Club Gaming Permits
- ❖ Club Machine Permits
- ❖ Alcohol Licensed Premises' Automatic Notification
- ❖ Alcohol Licensed Premises' Gaming Machine Permits
- ❖ Unlicensed Family Entertainment Centre Gaming Machine Permits
- ❖ Prize Gaming Permits
- ❖ Registration of Non-Commercial Societies
- ❖ Temporary Use of Premises
- ❖ Occasional Use for Betting Tracks
- ❖ Reinstatement of Licences
- ❖ Variation of Licences
- ❖ Review of Licences
- ❖ Transfer of Licences
- ❖ Variation of Permits
- ❖ Cancellation of Club Gaming and Club Machine Permits
- ❖ Transfer of Licensed Premises Gaming Machine Permits
- ❖ Renewal of Permits
- ❖ Travelling Fairs
- ❖ Statutory Register

B2.1 Functions Reserved to the Licensing Board

B2.1.1 Decisions on the following matters are not subject to delegation and shall only be discharged by the Licensing Board:-

- (a) determining the Licensing Board's policy for the purposes of the Board's Licensing Policy Statements;
- (b) resolving, under Section 166 of the Gambling Act, not to issue casino premises licences.

B2.1.2. Determinations on the following matters are not subject to delegation and shall only be discharged by the Licensing Board. Where the representations referred to have been withdrawn, are vexatious or frivolous or are unlikely to influence the Board's decision, they shall not be treated as 'representations having been made' and may be disregarded for the purposes of this section;

- (a) applications for the grant of a premises licence in respect of which representations have been made under Section 161 of the Act;
- (b) applications for the variation of a premises licence in respect of which representations have been made under Section 161, as applied by Section 187 of the Act;
- (c) applications for the transfer of a premises licence following representations by the Gambling Commission;
- (d) applications for the grant of a Provisional Statement in respect of which representations have been made under Section 161 and applied by Section 204 of the Act;
- (e) reviews of a premises licence under Sections 191 and 200 of the Act;
- (f) whether to issue counter-notices under Section 224 of the Act
- (g) applications for the grant of a Club Gaming Permit in respect of which representations have been made;
- (h) applications for a Club Machine Permit in respect of which representations have been made;
- (i) applications for an Alcohol Licensed Premises Gaming Machine

Permit in respect of which representations have been made;

- (j) applications for an Unlicensed Family Entertainment Centre Gaming Machine Permit in respect of which representations have been made;
- (k) applications for a Prize Gaming Permit in respect of which representations have been made;

- B2.2 All functions of the Licensing Board under the Act, other than those excepted under paragraph 2.1 above, are delegated to the Clerk or Depute Clerk of the Licensing Board (who may delegate such functions to a member of staff provided under Section 8(1)(b) of Schedule 1 of the Licensing (Scotland) Act 2005), including:-
- (a) authority to determine an application to substitute a fresh plan for attaching to a premises licence or in respect of a permit, where the permitted gambling and/or gaming provision at the relevant premises will not be varied by the change/s represented in the fresh plan;
 - (b) authority to refuse to accept a plan relative to any premises licence application under regulation 4 of the Gambling Act 2005 (Premises Licences and Provisional Statements) (Scotland) Regulations 2007;
 - (c) authority to refuse to accept a plan relative to any provisional statement application under regulation 10 of the Gambling Act 2005 (Premises Licences and Provisional Statements) (Scotland) Regulations 2007;
 - (d) authority to refuse to accept a plan relative to any permit application which does not conform to the Licensing Board's requirements.

Note that the Clerk or Depute Clerk may elect not to use their delegated powers in a particular case, in which event the matter will be referred to the Board.

B3 OTHER MATTERS

Any matters which are not the subject of delegation in terms of this Scheme of Delegation and are not prescribed by the Gambling Act 2005, shall be determined by the Licensing Board at a meeting arranged by the Clerk in consultation with the Convener or Vice-Convener of the Licensing Board

Comments/Contacts

If you would like to make comments on the foregoing policy statement please send them to:- Clerk of Angus Licensing Board, Angus House, Orchardbank Business Park, Forfar DD8 1AN or via LAWLicensing@angus.gov.uk.

If you require a copy of this document in another language, large print or another format please contact LAWLicensing@angus.gov.uk.

APPENDIX 1**Children and Vulnerable Persons**

The third licensing objective is to protect children and other vulnerable persons from being harmed or being exploited by gambling.

Children (defined in the Gambling Act as under 16s) and young persons (16- 17s) may take part in private and non-commercial betting and gaming but the Gambling Act contains a number of restrictions under the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over.

The different categories of Gaming Machine are explained more fully in Appendix 2 of this Statement of Policy.

In summary:-

- ❖ Betting Shops cannot admit anyone under 18;
- ❖ Bingo Clubs may admit those under 18 but must have policies to ensure that they do not participate in gambling other than on category D machines;
- ❖ Adult Entertainment Centres cannot admit those under 18;
- ❖ Family Entertainment Centres and premises with an alcohol premises licence (such as pubs) can admit under 18s but they may not play category C machines which are restricted to those over 18. Please note that the alcohol premises licence may restrict access by under 18s.
- ❖ Clubs with a club permit can admit under 18s but they must have policies to ensure those under 18 do not play machines other than category D machines.
- ❖ Tracks are required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

APPENDIX 2**Gaming Machines**

The Gambling Act (and Regulations made under the Gambling Act) provide for four categories of gaming machine: A, B, C and D with category B and D further divided into sub-categories. The regulations define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. The categories are as follows:-

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B-1	£5	£10,000 (with an option of a maximum £20,000 linked progressive Jackpot on a premises basis only)
B-2	£100	£500
B-3	£2	£500
B3A	£2	£500
B-4	£2	£400
C	£1	£100
D	10p	£5
D non-money prize (other than crane grab machine)	30p	£8
D non-money prize (crane grab machine)	£1	£50
D money prize	10p	£5
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

The Gambling Act also sets out maximum numbers of machines permitted (and in the case of casinos the ratios between tables and machines) by premises type. In summary, these are as follows (excluding casinos):-

- ❖ Bingo premises – a maximum of 20% of the total number of gaming machines which are available for use on the premises may be category B3 or B4 machines; and any number of category C and category D machines;
- ❖ Betting premises (including track operators with full betting licence) - up to four gaming machines of category B2, B3, B3A, B4, C or D;
- ❖ Adult gaming centres - a maximum of 20% of the total number of gaming machines which are available for use may be category B3 or B4 machines; and any number of category C and category D machines;
- ❖ Family entertainment centres with an operating licence - any number of category C and category D machines with category C machines segregated and supervised so that they may only be played by adults;
- ❖ Unlicensed family entertainment centres (i.e. with gaming machine permits only) - any number of category D machines;
- ❖ Clubs or Miners Welfare Institutes with permits - up to three categories B3A, B4, C or D machines (only one of which may be a B3A machine); Alcohol Licensed premises with permit - up to the number of C or D machines specified on the permit;

¹ Please note that for bingo and adult gaming centres, the number of permitted machines can vary depending on when premises were first licensed.