

**Cheshire West and Chester
Statement of Licensing
Principles**

Gambling Act 2005

1 April 2023

Index Section

- 1 Introduction
 - 2 Gambling Act 2005
 - 3 Decision Making
 - 4 General Principles
 - 5 Responsible Authorities
 - 6 Interested Parties
 - 7 Exchange of Information
 - 8 Enforcement
 - 9 Premises Licences
 - 10 Risk Assessment/Area Profiles
 - 11 Licence Conditions
 - 12 Provisional Statements
 - 13 Reviews
 - 14 Permits
 - 15 Temporary Use Notices
 - 16 Occasional Use Notices
 - 17 Small Society Lotteries
 - 18 Human Rights
 - 19 Promotion of Equality
 - 20 Advice and Contract Points **Appendices**
-
- 1 List of Consultees

- 2 Gaming Machine Categories
- 3 Summary of Machine Provisions by Premises
- 4 Local Area Profile
- 5 Summary of Licensing Authority Delegations

The information provided within Appendices 2 and 3 is subject to change by Central Government/Gambling Commission and therefore is not considered part of this Statement of Principles. Notwithstanding, the information within Appendices 2 and 3 will be updated as and when required. Such consequential amendments will not be considered as a review of the Statement of Principles and therefore will not be consulted upon.

1. Introduction

- 1.1 Cheshire West and Chester Council (the Council) is the Licensing Authority for the Cheshire West and Chester District, under the provisions of the Gambling Act 2005 (the Act). The District as a whole covers an area of 350 square miles.
- 1.2 357,200 people are estimated to live in Cheshire West (2021 Census), with just over a quarter living in rural areas. Some 16 per cent of residents are 0-14 years old; 21 per cent are over 65; and 63 per cent are between 15 and 64 years old. This is an older population than the England average.
- 1.3 The population is forecast to increase by about 12 per cent by 2038. Older age groups will see the biggest increase, with the number of residents aged 65 plus expected to increase by 44 per cent.
- 1.4 According to the 2011 Census around 5 per cent of local residents were from Black and Minority Ethnic backgrounds, far less than the 20 per cent England average. Polish is the most frequently spoken non-English language. (**NB** 2021 Census Data is not available at the time of publication)
- 1.5 Cheshire West and Chester Council is the fourth largest unitary authority in the North West. The borough includes the city of Chester and the major towns of Ellesmere Port, Frodsham, Neston, Northwich and Winsford. The area is an interesting mixture of both rural and urban communities and combines an exciting range of attractions, festivals, events and shopping experiences for both local residents and tourists alike.
- 1.6 The Cheshire West and Chester Council Plan 2024 – 2028 sets out a plan for the Borough to deliver a stronger future where we all play our part in thriving, caring and sustainable communities.

The plan has six missions:

- Starting well:

The best start for our children and young people, with improved opportunity, a healthier start, greater resilience in families and the best possible support and care when it is needed.
- Tackling Hardship and poverty:

More people feel more financially secure as the causes and impact of hardship and poverty are addressed by working alongside residents.
- Resilient people living their best lives:

Local people are enabled to flourish, be healthy, happy and independent for longer in supportive communities.

- Neighbourhood Pride
Residents live in well maintained, connected and safe places with good and affordable homes.
- Greener communities:
Individuals, public services and businesses take action to move to tackle the climate emergency, achieve net zero, protect the natural environment and adapt to the impact of climate change.

A copy of the plan can be found at:

<https://www.cheshirewestandchester.gov.uk/your-council/policies-and-performance/council-plans-policies-and-strategies/borough-plan-2024-2028>

NB The information at paragraph 1.6 above will be amended in-line with changes to Council plans and priorities as determined within the life of this policy. Any changes made to paragraph 1.6 will therefore be deemed to be consequential and will be included within this policy without further consultation.

- 1.7 Effective licensing secures the safety and amenity of individual residents and communities whilst facilitating a vibrant and sustainable entertainment industry within a diverse local economy.
- 1.8 In exercising most of its functions under the Gambling Act 2005 (“the Act”), the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.9 The Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Principles which sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.10 The Statement of Principles must be published at least every three years.
- 1.11 This Statement of Principles has been prepared having regard to the licensing objectives of the Gambling Act 2005 and the Guidance issued

by the Gambling Commission. It was adopted by Cheshire West and Chester Council on 15th October 2022 having considered any comments received from those consulted on the draft Statement of Principles.

1.12 As required by the Act, the draft Statement of Principles was subject to formal consultation with:-

- Cheshire County Constabulary
- Representatives of those carrying on gambling businesses within the Cheshire West and Chester district
- Representatives of those persons likely to be affected by the exercise of the Licensing Authority's functions under the Act

A full list of consultees is set out in Appendix 2.

1.13 The Cheshire West and Chester Statement of Principles will come into effect on 1 April 2023 and will be available on the Licensing Authority's website.

1.14 As indicated at 1.7 above, a further statement of principles must be published by 1st April 2026.

2. Gambling Act 2005

2.1 "Gambling" is defined in the Act as either gaming, betting, or taking part in a lottery.

- gaming means playing a game of chance for a prize
- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

2.2 The Act provides for three categories of licence:

- operating licences
- personal licences
- premises licences

2.3 The Licensing Authority is responsible for issuing premises licences. The Gambling Commission is responsible for issuing operating and personal licences.

2.4 The main functions of the Licensing Authority are to:

- licence premises for gambling activities
- grant permits for gambling and gaming machines in clubs
- regulate gaming and gaming machines in alcohol licensed premises
- grant permits to family entertainment centres for the use of certain lower stake gaming machines
- grant permits for prize gaming
- consider notices given for the temporary use of premises for gaming
- consider occasional use notices for betting at tracks
- register small societies lotteries

2.5 It should be noted that:

- Spread betting is regulated by The Financial Services Authority
- Remote (on-line) Gambling is dealt with by the Gambling Commission
- The National Lottery is regulated by The National Lottery Commission

2.6 This document sets out the policies that the Licensing Authority will apply when making decisions upon applications or notifications made for:-

- Premises Licences
- Temporary and Occasional Use Notices
- Permits as required under the Act
- Registrations as required under the Act

2.7 This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely: -

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Family Entertainment Centres
- Club Gaming and Club Machine Permits
- Prize Gaming and Prize Gaming Permits
- Temporary and Occasional Use Notices
- Registration of small society lotteries

2.8 The Categories of Gaming Machine Regulations 2007 define four classes of gaming machine, categories A, B, C and D, with category B divided into a further 5 sub-categories. A full list of the categories of Gaming Machine, together with the current maximum stakes and prizes, is set out in Appendix 3.

2.9 The Act includes the definition of a child at S.45 as:

Meaning of “child” and “young person”

- (1) In this Act “child” means an individual who is less than 16 years old
- (2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

3 Decision Making

3.1 The approval of the Statement of Principles and the passing of a resolution not to issue casino licences must be taken by Full Council.

3.2 All other licensing functions under the Act will be carried out by the Licensing Committee. In the interests of efficiency and effectiveness the Committee will delegate certain decisions and functions to officers or to the Licensing Act Sub-Committee.

3.3 The table shown at Appendix 5 sets out the proposed delegation of decisions and functions to the Licensing Committee, Licensing Act Sub-Committee and Officers.

3.4 This scheme of delegation is without prejudice to Officers referring an application to the Licensing Committee or Licensing Act Sub-Committee if considered appropriate in the circumstances of any particular case.

4 General Principles

4.1 Licensing authorities have responsibility for licensing gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in clubs and miners' welfare institutes. The Act also provides a system of temporary and occasional use notices. These enable licensing authorities to authorise premises that are not licensed generally for gambling purposes, to be used for certain types of gambling for limited periods.

4.2 In exercising most of its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

4.3 In carrying out its licensing functions under the Act the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any relevant Guidance issued by the Gambling Commission
- in accordance with this Statement of Principles, and
- reasonably consistent with the licensing objectives

4.4 Where appropriate, applicants will be expected to demonstrate that they comply with all relevant codes of practice issued by the Gambling Commission, BACTA (British Amusement Catering Trade Association), Gamcare or similar organisations.

4.5 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes.

4.6 While this Statement of Principles sets out the Licensing Authority's general approach to making licensing decisions, each application will be considered on its individual merits.

4.7 This Statement of Principles is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits.

4.8 Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence.

5 Responsible Authorities

5.1 Responsible authorities are generally public bodies that must be notified of all applications and are entitled to make representations to the Licensing Authority if they are relevant to the licensing objectives.

5.2 Section 157 of the Act defines those authorities as:

- A Licensing Authority in whose area the premises is wholly or partly situated
- The Gambling Commission
- The Chief Officer of Police in whose area the premises is wholly or partly situated
- The Fire & Rescue Service in whose area the premises is wholly or partly situated
- The Local Planning Authority in whose area the premises is wholly or partly situated
- The Environmental Protection Team
- A body designated in writing by the Licensing Authority to advise about the protection of children from harm
- HM Revenue and Customs
- Any other person

The Secretary of State may prescribe other responsible authorities by means of regulations.

5.3 The Licensing Authority will apply the following principles when designating, in writing, a body which is competent to advise the authority about the protection of children from harm:

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

5.4 This authority proposes to designate Cheshire Constabulary for this purpose.

5.5 Section 211(4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These would include:

- the Environment Agency
- the British Waterways Board

- the Secretary of State acting through the Maritime and Coastguard Agency

5.6 The contact details of all the Responsible Bodies under the Gambling Act 2005 will be available on the Licensing Authority's website.

6 Interested Parties

6.1 An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above

6.2 In determining whether someone lives sufficiently close to particular premises so as to be affected the Licensing Authority will take into account, among other things:

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complainant
- the potential impact of the premises

6.3 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected

6.4 Business interests will be given a wide interpretation and could include for example partnerships, faith groups and medical practices.

6.5 In considering these factors, each case will be decided upon its own merits.

6.6 Representatives of interested parties may include MPs, Ward Councillors and Parish Councillors. Residents' and tenants' associations, trade unions and trade associations may also represent interested parties if they have members living sufficiently close to the premises. Except in the case of Councillors or MPs representing the ward or wards likely to be affected,

written evidence will be required that a person or body represents an interested party.

- 6.7 If individuals approach Ward Councillors or Parish Councillors, care should be taken that the Councillor is not on the Licensing Committee or Licensing Act Sub-Committee which will deal with the application nor has a prejudicial interest which would prevent them from addressing the Committee or Sub-Committee. If there are any doubts, advice should be sought from the Licensing Team.
- 6.8 Interested parties can make representations about licence applications or apply for a review of an existing licence.
- 6.9 Details of those persons making representations will be made available to applicants and, in the event of a hearing being held, will form part of a public document.

7 Exchange of Information

- 7.1 Subject to the provisions of data protection legislation, the Licensing Authority will share any information it receives through the application process with the Gambling Commission and with other persons listed in Schedule 6 of the Act. In doing so, the Licensing Authority will have regard to the Act, any guidance issued by the Gambling Commission to Local Authorities on this matter and any relevant regulations issued by the Secretary of State.
- 7.2 Should any protocols be established as regards information exchange with other bodies then they will be made available on the Licensing Authority's website.

8 Enforcement

- 8.1 In general, the Gambling Commission will take the lead role on the investigation and, where appropriate, the prosecution of illegal gambling.
- 8.2 The main enforcement and compliance role for the Licensing Authority will be to ensure compliance with the premises licences and other permissions which it authorises.
- 8.3 The Licensing Authority will adopt a risk-based inspection programme and will work with the Commission, the police and other enforcing authorities to provide for the targeting of agreed problem or high-risk premises.
- 8.4 The Licensing Authority will be guided by the Gambling Commission's guidance and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny
- Consistent: rules and standards must be joined up and implemented fairly
- Transparent: regulators should be open, and keep regulations simple and user friendly
- Targeted - regulation should be focused on the problem, and minimise side effects

8.5 The Licensing Authority will comply with its own enforcement policies and protocols which will be available on the Council's website.

8.6 In carrying out its enforcement and compliance role, the Licensing Authority will comply with the Regulators' Compliance Code and will take account of any guidance issued by Central Government.

8.7 Should the Authority receive any complaints of irresponsible retailing associated with operator activities regulated by the National Lottery Commission (lottery tickets or scratch cards) the Authority will look to work collaboratively with the Gambling Commission, Licensing Enforcement, Trading Standards and the police to carry out, where appropriate, enforcement action.

9 Premises Licences

9.1 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different "premises".

9.2 There are particular requirements for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised, and that people are not allowed to 'drift' accidentally into a gambling area. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provisions for each type of premises.

- 9.3 A licence to use premises for gambling will normally be issued only in relation to premises that are ready to be used for gambling. Where premises have not yet been constructed, an applicant may apply for a provisional statement – See Section 11.
- 9.4 An application for a premises licence may only be made by persons who have a right to occupy the premises.
- 9.5 Except in the case of a track premises licence, an application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 9.6 When considering applications for premises licences the Licensing Authority cannot take into consideration the expected 'demand' for facilities. It should also be noted that moral objections to gambling are not a valid reason to reject applications.
- 9.7 Applications for the grant, transfer or variation of a Premises Licence should be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives.
- 9.8 Premises licences granted must be reasonably consistent with the licensing objectives as follows:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- 9.9 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.
- 9.10 The Gambling Commission will deal with Operating Licences and Personal Licences so the Licensing Authority will not be concerned about the suitability of an applicant. If concerns arise about a person's suitability, the Licensing Authority will bring those concerns to the attention of the Commission.
- 9.11 The Licensing Authority will take into consideration the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there.
- 9.12 Where appropriate, conditions may be attached to a premises licence requiring the provision of door supervisors. For example, if the premises cannot be adequately supervised from the counter, door supervision may be necessary.

- 9.13 There is a distinction between disorder and nuisance. The Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in determining that distinction. It should be noted that issues of nuisance cannot be addressed under the Act.
- 9.14 The Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.
- 9.15 Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances, require conditions to ensure that the environment in which betting takes place is suitable.
- 9.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 9.17 In practice, steps will generally be taken to prevent children from taking part in or being in close proximity to gambling. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 9.18 It is the licensing view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums. However, any such policy does not preclude any application being made and each application will be decided on its own merits with the onus upon the applicant showing how the concerns may be overcome.
- 9.19 When considering whether to grant a premises licence or permit, the Licensing Authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.
- 9.20 The Act does not define the term "vulnerable persons" but the Licensing Authority considers that this will include 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 learning disability, mental health problem or the effects of alcohol or drugs.

- 9.21 Licence holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debt line, local Citizens Advice Bureaux and independent advice agencies.
- 9.22 Social Responsibility Code Provision 3.5.6 requires that all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility.

Gambling Machines and the meaning of “available for use”

- 9.23 Section 242 of the Act makes it an offence for a person to make a gaming machine available for use, where they do not hold an operating licence or other permission covering gaming machines and where no other exemption applies.
- 9.24 The Act does not define what ‘available for use’ means, but the Gambling Commission considers that a gaming machine is ‘available for use’ if a person can take steps to play it without the assistance of the operator.
- 9.25 More than the permitted number of machines may be physically located on a premises, but the onus is on licensees to demonstrate that no more than the permitted number are ‘available for use’ at any one time.
- 9.26 A machine that can operate at more than one category, which is operating at a lower category, does not contribute to the number of machines ‘available for use’ at a higher category until it switches to that category. Licensees must ensure no more than the permitted number are ‘available for use’ at any one time.
- 9.27 Systems in which a number of machines are networked so that the player can select which game and category they play are permitted but licensees must still adhere to any restrictions on the number of machines at a certain category.
- 9.28 Gaming machine entitlements in AGC or bingo premises set out that only 20% of machines can be category B machines in order to ensure a balanced offering of gambling products and restrict harder gambling opportunities.

9.29 Machine design has changed in recent years and space-saving gaming machines (tablets, multi-player units and narrow/in-fill machines) have become available. Some of these machines appear to have been designed primarily to maximise category B machine entitlements.

9.30 The Gambling Commission updated its 'available for use' guidance in 2019 to make it clear that for the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. For example, the Gambling Commission would consider that a multi-position machine that technically allows two or more players to play simultaneously but in reality, requires those players to stand very closely together or adopt unnatural participation positions, to the effect that a second player would be discouraged from attempting to use the machine, could not be classed as two or more machines.

9.31 In relation to tablets, licensees should ensure that there is sufficient floor space in the premises to permit counted tablets to be used simultaneously.

9.32 Electronic Bingo Terminals (EBTs) that offer gaming machine content in addition to bingo content are gaming machines and subject to adherence with the above principles. Licensees are reminded however that an EBT must only allow participation in one gambling activity at a time and should not therefore contain functionality which allows participation in bingo and gaming machine activity simultaneously.

9.33 The Gambling Commission has published its 'available for use' guidance on the Commission website, and provided additional information specifically in relation to when is a gaming machine 'available for use' in AGC or bingo premises under the 20% regulations.

9.34 Section 172(7) of the Act, as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (SI 2007/2158: Categories of Gaming Machine Regulations 2007) (but not B3A) and B4 machines, as per the Gambling Commission's guidance within Part 16. For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played

simultaneously by different players without physical hindrance. This includes tablets.

10. Risk Assessments/Area Profiles

10.1 The Licensing Authority expects applicants for new licences or variations to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated. To assist applicants, the Council has prepared local area profiles, See appendix 4. The Council will request sight of the risk assessment as part of the application process and will consider both the adequacy of the risk assessment and the control measures identified and determine whether or not it is proportionate to incorporate the control measures as conditions on the licence.

10.2 The Licensing Authority will expect the risk assessment to consider:

- whether premises are in an area of deprivation
- whether the premises are in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

Risk assessment should also show how vulnerable people, including the people with gambling dependencies, are protected and a copy must be retained on the premises.

10.3 Licensees must review (and update as necessary) their local risk assessments to take account of significant changes in local circumstances, including those identified in this Statement of Licensing Principles and when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

10.4 The Licensing Authority expects all licences to have policies, procedures, and adequate control measures in place to mitigate all risks identified during the risk assessment/review process.

11 Licence Conditions

11.1 There are three types of conditions which may be attached to premises licences: -

- Mandatory Conditions prescribed in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 made by the Secretary of State which must be attached to all licences
- Default Conditions – Conditions prescribed in the above regulations made by the Secretary of State which will be attached unless specifically excluded by the Licensing Authority
- Conditions imposed by the Licensing Authority

The Licensing authority notes that mandatory conditions made under these regulations are set with the intention that no further regulation in relation to that matter is required. Therefore, it is extremely unlikely that the Licensing Authority will need to impose individual conditions in relation to matters that are already dealt with by mandatory conditions. The Licensing Authority will only consider doing so where there are regulatory concerns of an exceptional nature and any additional licence conditions must relate to the licensing objectives.

11.2 Any conditions imposed by the Licensing Authority will be proportionate and will be:

- 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; and
- reasonable in all other respects.

11.3 Applicants are encouraged to offer their own suggested conditions to demonstrate how the licensing objectives can be met.

11.4 There are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs)
- conditions in relation to stakes, fees, winnings or prizes

11.5 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered.

11.6 Door supervisors employed in house at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best practice for door supervisors working at casinos or bingo premises to have SIA training or similar.

Adult Gaming Centres

11.7 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that under 18-year-olds do not have access to the premises.

11.8. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureaux and independent advice agencies

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

(Licensed) Family Entertainment Centres

11.9 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

11.10 Appropriate licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes

- Provision of posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureaux and independent advice agencies.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

Casinos

- 11.11 This Licensing Authority has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the authority decide in the future to pass such a resolution, this Statement of Principles will be updated. Any such decision must be made by Full Council.
- 11.12 This Licensing Authority is not currently able to issue premises licences for casinos. Should the Government propose that more casinos maybe licensed in the future, the authority will review its position and this Statement of Principles will be updated.

Bingo Premises

- 11.13 It is important that, if children are allowed to enter premises licensed for bingo they do not participate in gambling, other than on category D machines.
- 11.14 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that:
- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - only adults are admitted to the area where the machines are located
 - access to the area where the machines are located is supervised
 - the area where the machines are located is arranged so that it can be observed by the staff of the operator or the licence holder; and at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
 - where appropriate conditions will be attached to the premises licence

11.15 The Licensing Authority will take account of any guidance issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises.

Betting Premises

11.16 Betting premises may make available for use machines that accept bets on live events as a substitute for placing a bet over the counter. Known as SelfService Betting Terminals (SSBTs) these machines are not classed as gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits.

The Licensing Authority will take into account the matters listed below when considering the number, nature and circumstances of any betting machines an operator may want to offer.

- the size of the premises
- the number of counter positions available for person-to-person transactions
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

11.17 Section 172(8) of the Act provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines (the terminals commonly in use are able to provide both B2 and B3 content).

Tracks

11.18 Tracks may be subject to one or more premises licence, provided that each licence relates to a specified area of the track.

11.19 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.

11.20 It should be noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

11.21 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debt line, local Citizens Advice Bureau and Independent advice agencies.

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

- 11.22 The Licensing Authority will take account of any guidance issued by the Gambling Commission regarding where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them.
- 11.23 Where the applicant holds a pool betting operating licence and is going to use his entitlement of four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 11.24 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.
- 11.25 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account:
- the size of the premises
 - the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people
- 11.26 It is a mandatory condition of premises licences that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks. This requirement could be met by printing the rules in the race-card or making them available in leaflet form from the main track office.

- 11.27 Applications must be made in accordance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.
- 11.28 The Licensing Authority will require detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of dog tracks and horse racecourses, the plans should also show fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- 11.29 The Licensing Authority will normally require all self-contained premises operated by off-course betting operators to be the subject of separate premises licences to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.
- 11.30 Section 179 of the Act provides that a betting premises licence in respect of a track may not authorise pool betting to take place, other than in respect of dog or horse racing and only where the acceptance of bets is by the holder of the betting premises licence, or in accordance with arrangements made by them. In the case of dog racing, this preserves the existing arrangements at dog tracks where the totalisator is operated by or on behalf of the occupier of the track.
- 11.31 Pool betting on a licensed greyhound track will only be permitted while the public are admitted to the track for the purpose of attending greyhound races, and no other sporting events are taking place.

12 Provisional Statements

- 12.1 An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.
- 12.2 Applications for provisional statements will be dealt with in a similar manner to applications for a premises licence.
- 12.3 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional statement was considered unless there has been a change of circumstances.

12.4 A premises licence will be granted in the same terms as the provisional statement unless:

- representations are received which address matters that could not have been addressed when the provisional statement was considered
- there has been a change of circumstances, or
- the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement.

12.5 When determining an application for a provisional statement the Licensing Authority will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, for example, the likelihood that planning consent will be granted.

13 Reviews

13.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities.

13.2 A review will be carried out provided it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles

13.3 A review will not be carried out if the Licensing Authority considers that the request is frivolous, vexatious, will certainly not cause this authority to alter, revoke or suspend the licence, or it is substantially the same as previous representations or requests for review.

13.4 The Licensing Authority can also initiate a review of a licence or of a particular type of licence on the basis of any reason which it thinks is appropriate.

14 Permits

Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits

14.1 Where Category D gaming machines are to be provided at premises which do not have a premises licence but will be wholly or mainly used for



making Category D gaming machines available for use, an application may be made for a permit. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.

- 14.2 In exercising its functions in respect of FEC permits, the Licensing Authority need not, but may have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.
- 14.3 The Licensing Authority cannot attach conditions to this type of permit but will consider the matters set out below in paragraphs 14.5 to 14.7 when determining the suitability of an applicant for a permit.
- 14.4 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. These may include appropriate measures and training for staff in dealing with:
- suspected truant school children on the premises
 - unsupervised young children on the premises
 - children causing problems on or around the premises
- 14.5 Applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 14.6 Applicants will be required to demonstrate that they have no relevant convictions as set out in Schedule 7 of the Act.
- 14.7 The Council will not normally grant a FEC permit for premises which are located close to schools.

(Alcohol) Licensed Premises Gaming Machine Permits

- 14.8 The Licensing Authority can remove the automatic authorisation if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
 - the premises are mainly used for gaming; or

- an offence under the Gambling Act has been committed on the premises
- 14.9 If a licensed premises wishes to have more than two machines, then a permit is required.
- 14.10 The Licensing Authority must take account of the licensing objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit.
- 14.11 The Licensing Authority may also consider such matters as it thinks are relevant. Such matters will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.
- 14.12 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff who will monitor that the machines are not being used by those under 18.
- 14.13 As regards the protection of vulnerable persons, applicants may wish to consider the provision of posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureaux and independent advice agencies.
- 14.14 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.
- 14.15 The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. No other conditions can be attached to the permit.
- 14.16 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

Travelling Fairs

- 14.17 A travelling fair is defined as a fair consisting wholly or principally for the provision of amusements and is provided by persons who travel from place to place and is held at a place which has been used for the provision of fairs on no more than 27 days per calendar year.

14.18 Category D gaming machines or equal chance gaming may be provided without a permit provided that facilities for gambling amount to no more than ancillary amusement at the fair.

Prize Gaming Permits

14.19 Gaming is prize gaming if the prize is not affected by the number of people playing or the amount paid for or raised by the gaming.

14.20 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

14.21 There are conditions in the Act which a permit holder must comply with which are:

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

14.22 The Licensing Authority cannot attach any other conditions to this type of permit.

14.23 Applicants should set out the types of gaming intended to be offered and should demonstrate:

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

14.24 The Licensing Authority will consider the above matters when determining the suitability of an applicant for a permit.

Club Gaming and Club Machine Permits

14.25 If a Members Club or a Miners Welfare Institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to

the Licensing Authority for a club machine permit authorising the holder to have up to three gaming machines of categories B3A, B4, C and D. Commercial Clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Gambling Act 2005) and should apply for a club machine permit, however, this permit will not allow the Commercial Club to site category B3A gaming machines offering lottery games in the club.

14.26 The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance in accordance with regulations made under the Act.

14.27 A Club Gaming Machine Permit will enable Members Clubs and Miners' Welfare Institutes to provide three machines of categories B3A, B4, C or D. Commercial Clubs may apply for a Club Gaming Machine Permit which will enable the premises to provide three machines of categories B4, C or D.

14.28 Members Clubs must:

- have at least 25 members
- be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations (It is anticipated that this will include bridge and whist clubs)
- be permanent in nature
- not be established to make commercial profit
- controlled by its members equally

14.29 Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations and Commercial Clubs.

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

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

14.31 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).

- 14.32 Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced.
- 14.33 The only grounds upon which an application under the fast-track process may be refused are:
- that the club is established primarily for gaming, other than gaming of a prescribed kind (currently bridge and whist)
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled
- 14.34 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

15 Temporary Use Notices

- 15.1 A temporary use notice may only be given by the holder of an operator's licence.
- 15.2 A set of premises may not be the subject of temporary use notices for more than 21 days within a 12-month period.
- 15.3 A set of premises will be considered to be the subject of a temporary use notice if any part of the premises is the subject of a notice. Consequently, operators cannot extend the limits on temporary use notices in respect of large premises by giving separate notices for different parts of the premises.
- 15.4 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.
- 15.5 In determining whether a place falls within the definition of "a set of premises" the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

16 Occasional Use Notices

16.1 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. The Secretary of State has the power to increase or decrease the number of occasional use notices that an operating licence holder could apply for each calendar year. 'Day' is defined as midnight to midnight, so an event that starts on one calendar day and ends on the following day would count as two days. OUNs are designed to allow licensed betting operators to provide betting facilities at genuine sporting events (such as point-to-point racecourses and golf courses for major competitions) within the boundaries of the identified venue on a specific date, without the need for a full betting premises licence. An OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The following should be noted in relation to an OUN:

- OUNs can only be relied upon for eight days or fewer in a calendar year and therefore licensing authorities should keep a record of the number of notices served in relation to each track. The period of eight days applies to the venue and not the individual who has submitted the notice.
- An OUN must be submitted for each day that betting activity will be conducted on the premises. If betting activity is to be held over a period of eight consecutive days, the operator will be required to submit eight separate notices.
- The notice must specify the day on which it has effect. An event running past midnight and ending on the following day accounts for two occasional use days, even though in practice it is one event.
- Notice must be given to the licensing authority and the police, in writing, before the event starts.
- No premises licence can exist for the place which is the subject of the notice.

16.2 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture.

16.3 Those giving occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

16.4 The Licensing Authority has very little discretion regarding these notices other than to ensure that the statutory limit of eight days in a calendar year is not exceeded.

17 Small Society Lotteries

17.1 The Licensing Authority is responsible for the registration of small society lotteries. Licensing Authorities are required by paragraph 44 of Schedule 11 of the Act to record details of the society on a register. The authority holds a public register and once the application for registration has been accepted and entered on the local register, the licensing authority will then notify both the applicant and the Gambling Commission of the registration as soon as practicable.

17.2 A society is a non-commercial organisation established and conducted:

- for charitable purposes
- for the purpose of enabling participation in, or of supporting
- sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain and the proceeds of any lottery must be devoted to those purposes

17.3 The total value of tickets to be put on sale per single lottery must be £20,000 or less or the aggregate value of tickets to be put on sale for all lotteries in a calendar year must not exceed £250,000. If either of these values is exceeded, the society will need to be licensed by the Gambling Commission to operate large lotteries.

17.4 Applications for registration must be made in accordance with the Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007.

17.5 An application may be refused on the following grounds:

- An operating licence held by the applicant for registration has been revoked or an application for an operating licence by the applicant for registration has been refused within the past five years
- The applicant is not a non-commercial society
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
- Information provided in or with the application for registration is found to be false or misleading

17.6 Registrations run for an unlimited period, unless the registration is cancelled or revoked.

17.7 The limits placed on small society lotteries are as follows:

- At least 20% of the lottery proceeds must be applied to the purposes of the society;
- No single prize may be worth more than £25,000;
- Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society and the maximum single prize is £25,000;
- Every ticket in the lottery must cost the same and the society must take payment for the ticket before entry into the draw is allowed.

17.8 No later than three months after each lottery draw, returns must be sent to the Licensing Authority containing the following information:

- The arrangements for the lottery
- The total proceeds of the lottery
- The amounts deducted for prizes
- The amounts deducted for expenses
- The amount applied to the purposes of the society
- Whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds and, if so, the amount of such expenses and the sources from which they were paid.

18 Human rights

18.1 The **Human Rights Act 1998** incorporated the European Convention on Human rights into English law. It makes it unlawful for a local authority to act in a way which is incompatible with a Convention right.

18.2 The Licensing Authority will have particular regard to the following rights in determining licence applications:

Article 6 – in determination of civil rights and obligations everyone is entitled **to** a fair public hearing within a reasonable time by an independent and impartial tribunal established by law

Article 8 – everyone has the right to respect for his home and family life

Article 1 of the First Protocol – every person is entitled to peaceful enjoyment of his or her possessions

19 Promotion of Equality

19.1 Cheshire West & Chester Council recognises that:

- there is a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality

of opportunity and good relations between members of different groups

- local authorities are also required, to produce equality schemes, assess and consult on the likely impact of proposed policies on equality, monitor policies for any adverse impact on the promotion of equality, and publish the results of such consultations, assessments and monitoring

19.2 An assessment will be undertaken with the Council's Equality and Diversity Officer to confirm that the policy meets the Council's Equality and Diversity Objectives. The assessment will be made available as a public document on the Council's website.

20 Advice and contact points

20.1 Advice for applicants and members of the public can be obtained during office hours from the following Cheshire West and Chester Council offices:

The Portal, Wellington Road, Ellesmere Port CH65 0BA
Tel 03001237737

The Drummer, Winsford CW7 1AH
Tel 03001237737

Email; Licensing@cheshirewestandchester.gov.uk
Website; www.cheshirewestandchester.gov.uk

A copy of the guidance issued by the Gambling Commission can be viewed at [**www.gamblingcommission.gov.uk**](http://www.gamblingcommission.gov.uk)

Consultees

- Age UK
- Association of British Bookmakers
- BACTA
- Bingo Association of Great Britain
- Brian Newton Leisure Ltd
- British and Casino Association
- Cheshire West and Chester Public health
- Cheshire Fire & Rescue Service
- Cheshire West and Chester Adult Social Care & Health
- Cheshire West and Chester Trading Standards
- Chester Pubwatch
- Chester Racecourse
- Chief Constable, Cheshire Constabulary
- Citizens Advice Bureau
- Gambling Commission
- Gamcare
- J. W. Lees & Co.
- Ladbrokes Betting and Gaming Limited
- Leisure Link
- Punch Taverns
- Reel Leisure Ltd
- Responsible Gambling Trust
- Sanctuary Housing Association
- Save The Children
- The Racecourse Association
- William Hill
- Working Men's Club and Institute Union

Appendix 2

Gaming Machine Categories

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	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 machines only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only

Source: Gambling Commission (April 2019)

Appendix 3

Summary of Machine Provisions by Premises

Premises Type	Machine Category				
	B2	B3	B4	C	D
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 to B4		No limit on category C or D machines	
Adult gaming centre²		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 to B4		No limit on category C or D machines	
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 alcohollicensed premises				1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohollicensed 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
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¹Bingo 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 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.

²Adult 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.

³Only 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.

⁴Members' 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.

⁵Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Source: Gambling Commission (Guidance to licensing authorities published April 2021)

2022 Local Area Profile Gambling

Gambling prevalence in Cheshire West and Chester

A large number of people partake in at least one form of gambling a year, be it the National Lottery, Bingo, scratch cards, horse racing, sports betting or slot machines. Problem gambling is the point at which gambling becomes an addiction, with an inability to control how often or how much is spent. This can result in damaging personal, social and financial effects, and problem gamblers are more likely to suffer from low self-esteem, stress, anxiety and depression. They are also more likely to go to prison as a result of criminal activity, and there is a clear link between gambling and alcohol abuse (NHS England).

In Cheshire West and Chester:

121,220

residents aged 16+ are estimated to have gambled in the past four weeks

78,940

residents aged 16+ are estimated to have gambled in the past four weeks once National Lottery draw products* have been excluded

50,740

gamble online

560

gamblers aged 16+ are estimated to be problem gamblers

2,800

gamblers aged 16+ are thought to be at moderate risk of becoming problem gamblers

Source: Gambling participation at June 2022, Gambling Commission; applied to 2020 mid year population estimates, Office for National Statistics.

1. How many people gamble?

Research by the Gambling Commission¹ indicates that in the year to June 2022, 43% of people aged 16 and over had participated in at least one form of gambling in the past four weeks. In Cheshire West and Chester (CW&C) this would equate to approximately 121,220 residents. If the National Lottery draws* are excluded, 28% of people had participated in gambling in the past four weeks, approximately 78,940 residents.

2. Type of gambling activity

At June 2022, National Lottery draws* were still the most popular form of gambling in the UK with around 31% of over 16s taking part¹. Other types of gambling include:

- 14% take part in 'another lottery' which has become more popular over the last four years (was 11% in 2018).
- The popularity of scratch cards has reduced to 7% (was 11% in 2018)
- An estimated 5% of people bet on sports, and 4% on horse races.
- 4% use online slot making style games/instant wins
- 3% use fruit or slot machines
- Private betting has reduced to 3% (6% in 2018)
- 2% play bingo

Around 18% of people gamble online and a quarter gamble in-person (excluding the National Lottery). Online gambling has seen an increase over the last four years whereas in-person gambling has seen a decrease.

3. Gambling frequency

Around a third of those who gamble, gamble once a month/less than once a week (35%). 29% gamble once a week and 20% gamble two or more days a week (excluding National Lottery draws*). Those who are 'bettors' (betting on horse races, dog races, sports or other events) are more likely to bet two plus days a week (25%) than other gamblers¹.

4. How has gambling changed in recent years?

Research by the Gambling Commission¹ shows that gambling participation rates have remained lower since the Covid-19 pandemic reducing from 32% at June 2018 to 28% in June 2022 (excluding National Lottery draws*).

The proportion of people gambling in person has particularly decreased, from 24% at June 2018 to 18% in June 2022 (excluding National Lottery draws*). Males saw the greatest decrease in gambling in person, as did those aged 35 and over. Those under 35 did see a reduction in in-person gambling in 2021, but 2022 data showed a faster return to in-person gambling for these younger people than for older age groups.

During 2020 and 2021 there was a decrease in the numbers of men gambling which has narrowed the gap between men and women gamblers. Data from the Gambling

Commission¹ indicates that 28% of females are gamblers, now matching the 28% of male gamblers.

Gambling online increased from 14% at June 2018 to 18% at June 2022 (excluding National Lottery). Females saw the greatest increase in online gambling (from 12% at June 2018 to 17% at June 2022), as did those aged 35 and over.

5. Who is most likely to gamble?

According to data from the Gambling Commission¹ and Public Health England (2021)², excluding the National Lottery draws* those who are more likely to gamble are:

- Aged under 35
- White/ White British
- Have higher academic qualifications
- Are in paid work
- Are relatively less deprived
- Home owners (buying with a mortgage)
- Have good psychological health and high life satisfaction
- Increased alcohol consumption

However, the socio-demographic profile of gamblers changes as gambling risk increases, with problem gambling associated with people who are unemployed and reside in more deprived areas, suggesting harmful gambling is related to health inequalities.

6. Problem gamblers

Problem gambling is defined as an urge to gamble continuously despite the harmful and negative consequences or a desire to stop. It is defined by whether harm is experienced by the gambler or others rather than the gambler's behaviour. Gambling causes this group of people serious problems including financial - they may have debts and sometimes live in poverty; personal – a gambling obsession can lead to the breakdown of a family; health – they can be subject to depression, anxiety, substance misuse and may have suicidal thoughts; crime – desperation may lead to criminal acts.

According to the Gambling Commission¹, at June 2022 0.2% of the population in England were estimated to be problem gamblers which is approximately 560 residents in CW&C aged 16 and over. The proportion of problem gamblers has decreased over the last four years from 0.6% at June 2018.

The profile of problem gamblers is very different to the profile of people who partake in gambling as a whole. According to data from the Public Health England² and Mayo Clinic³, common characteristics of problem gamblers include:

- Male
- Aged 16-24
- Unemployed
- Live in more deprived areas
- Social renting or renting from private landlord
- Those with mental health issues
- Poor health
- Low life satisfaction
- Increased alcohol consumption

- Smokers
- Family members and friends who also have a gambling problem

An estimated 0.8% of those aged 16-24 are problem gamblers, which means that there could be around 260 16-24 year olds in CW&C who are vulnerable young people at risk of depression, anxiety, suicide, substance misuse, crime, and becoming NEET (not in education, employment or training).

Problem gamblers are likely to participate in online gambling (including online slots), casino and bingo games, electronic gambling machines in bookmakers, sports and other event betting, betting exchanges and dog racing (Public Health England²).

Problem gambling is also called compulsive gambling and is a gambling disorder. Professional treatment is available including via the National Gambling Treatment Service (NGTS). The 2021 Annual Great Britain Treatment and Support Survey⁴ reported that 64% of problem gamblers had used some form of treatment, advice or support to cut down on their gambling in the past 12 months. 57% said they would like some form of treatment, advice or support. However, stigma was a common barrier for not seeking support. Younger people aged 18-24 were more likely than other age groups to have used treatment services, with almost half reporting having used mental health services.

7. At risk gamblers

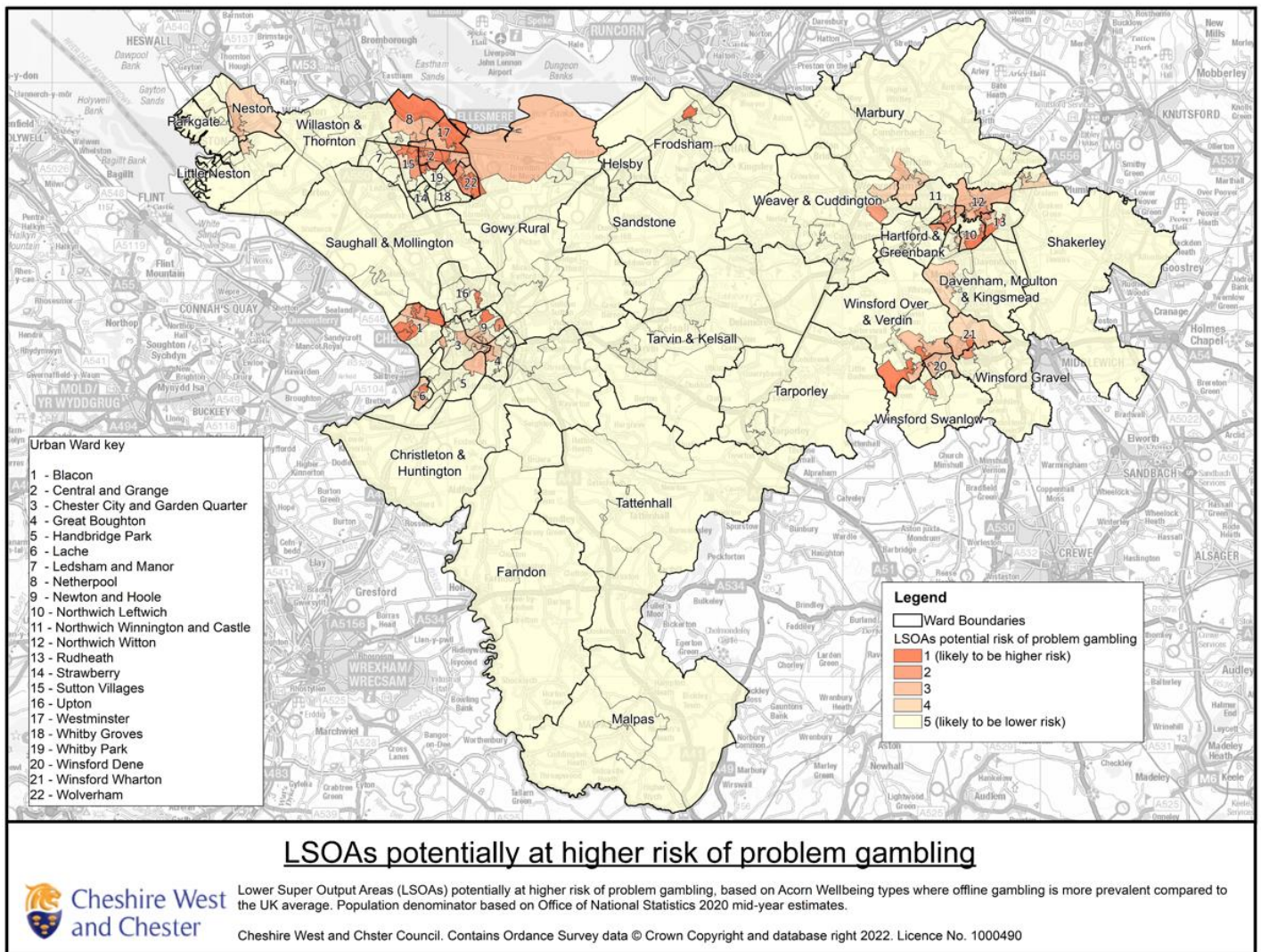
At risk gamblers are those who are experiencing some negative outcomes associated with gambling but do not meet the threshold for being problem gamblers. They are at risk of developing more detrimental gambling habits and problems in the future.

Research by the Gambling Commission¹ indicated that 1% of gamblers are at moderate risk of becoming a problem gambler, and 1.5% are at low risk. In CW&C this equates to approximately 2,800 residents at moderate risk. As problem gambling has decreased, the proportion of those at risk of becoming problem gamblers has also decreased.

8. Geographical areas at higher risk of problem gambling

Acorn is a segmentation tool which categorises the UK's population into demographic types according to multiple factors including affluence, lifestyle and life stage. The profiles allow us to compare the borough and areas of CW&C to each other and the national picture. Profiles are modelled. According to Acorn, residents in CW&C are less likely than the England average to participate in online gambling and betting, and even less likely to participate in offline gambling and betting.

We have used Acorn to map Lower Super Output Areas (LSOAs) potentially at higher risk of problem gambling. This is based on Acorn Wellbeing types where offline gambling is more prevalent compared to the UK average.



LSOAs potentially at higher risk of problem gambling



Cheshire West and Chester

Lower Super Output Areas (LSOAs) potentially at higher risk of problem gambling, based on Acorn Wellbeing types where offline gambling is more prevalent compared to the UK average. Population denominator based on Office of National Statistics 2020 mid-year estimates.

Cheshire West and Chester Council. Contains Ordnance Survey data © Crown Copyright and database right 2022. Licence No. 1000490

Those living in urban areas are most likely to be at higher risk. Wards containing LSOAs at highest risk include:

- Netherpool
- Sutton Villages
- Westminster
- Central and Grange
- Wolverham
- Whitby Park
- Blacon
- Upton
- Newton and Hoole
- Lache
- Northwich Leftwich
- Rudheath
- Winsford Over and Verdin
- Winsford Wharton

9. Other people affected by gambling

According to research by YouGov⁵ around 7% of the population are negatively affected by someone else's gambling, approximately 25,000 residents in CW&C. Affected others are more likely to be women and immediate family members. Almost half of people affected by a spouse or partners gambling experience a severe negative impact.

9. The harms associated with gambling

Public Health England² reviewed 53 studies that described a range of harms that had resulted from gambling and found the following:

- Financial harm – Financial difficulties and debt leading to bankruptcy and housing problems including homelessness. Links to crime, relationship problems, and physical and mental health problems.
- Relationship harms – Gambling directly causes relationship problems for the gambler and their close associates including arguments, relationship strain, domestic abuse.
- Mental and physical health harms – Increased risk of death from suicide, anxiety and depression, although those with mental health problems are more likely to be problem gamblers, gambling can further exasperate these problems. Gamblers are more likely to experience guilt, shame, loss of self-esteem, loneliness and sleep problems.
- Employment and educational harms – Job loss and demotion at work linked to loss of concentration, tardiness and not showing up at work. Young gamblers have difficulties at school and absenteeism leading to reduced educational attainment. Children of gamblers also experience this.
- Criminal and anti-social behavior harms – Crimes, most commonly; theft, fraud and selling drugs. Linked to gambling-related financial difficulties.
- Cultural harms – Gambling is normalized in society with harms being passed on to the next generation.
- Gambling within gaming – Young people aged 11 to 24 reported that there are gambling-like activities in gaming which are normalised and addictive.

The most socio-economically deprived and disadvantaged groups in England have the lowest gambling participation rates but the highest levels of harmful gambling and they are also the most susceptible to harm. This will make existing health inequalities worse if no interventions are put in place.

10. Economic burden of gambling

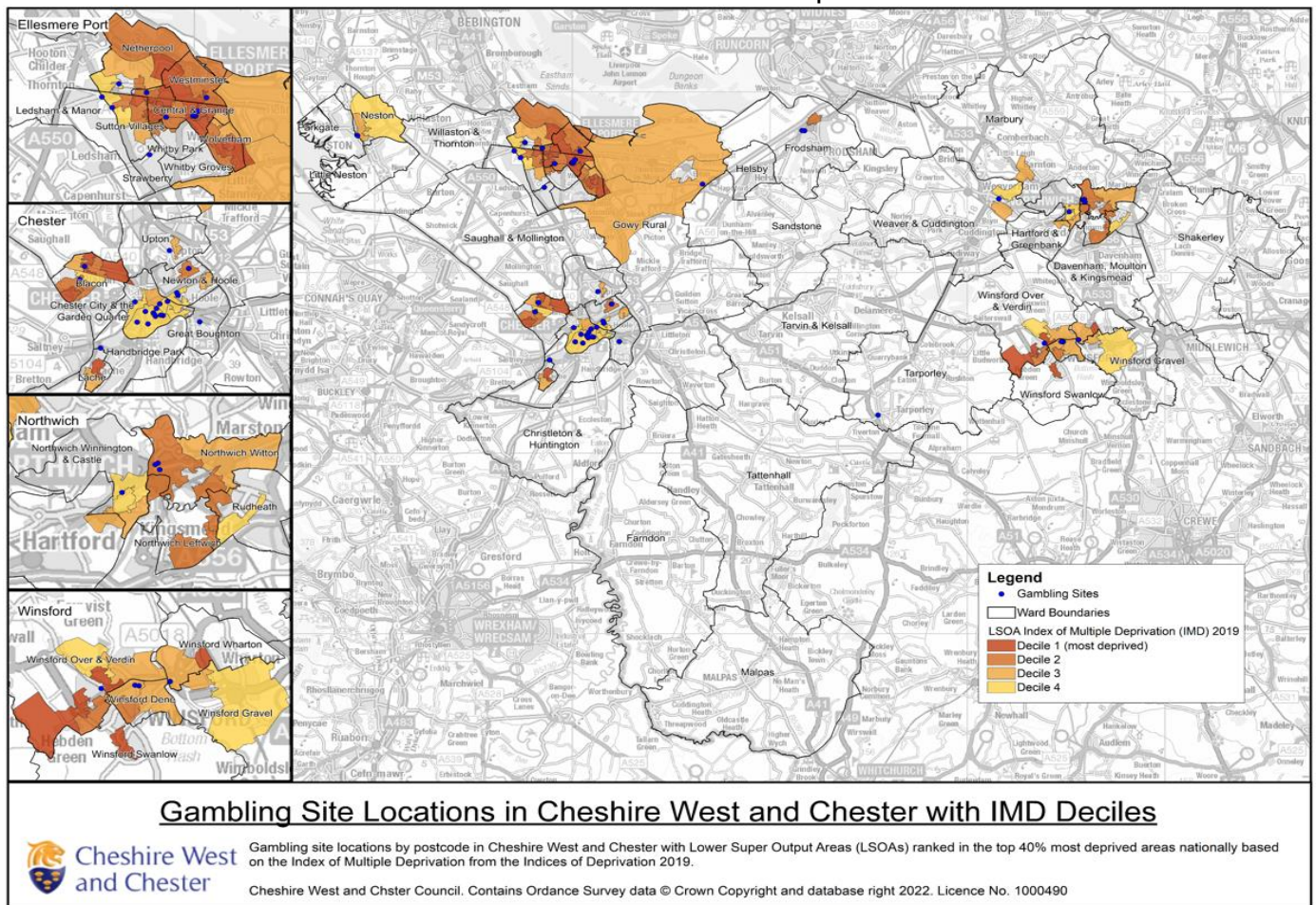
Public Health England² estimates that the annual economic burden of harmful gambling is approximately £1.27 billion. Half of this is a direct cost to government, with the mental and physical health harms of gambling costing the most including the cost of treating depression, alcohol dependence, illicit drug use and societal costs of suicide. There is consensus that gambling is a public health issue and requires a public health approach.

11. Facilities in Cheshire West and Chester

In Cheshire West and Chester there are currently at October 2022:

- 43 betting shops
- Six adult gaming centres

- One track betting
 - Two bingo club
- The following map shows the gambling site locations and is overlaid with the index of multiple deprivation (note only the 40% most deprived are shown). A high number of sites are located in LSOAs that are the most deprived in CW&C.



In addition, numerous places such as pubs, social clubs and nightclubs will have gaming or machines. This may be around 200 venues.

12. Sources

1. Gambling Participation June 2022, Gambling Commission
2. Gambling-related harms evidence review summary, September 2021, Public Health England
3. Compulsive Gambling, June 2022, Mayo Clinic
4. Annual Great Britain Treatment and Support Survey 2021, YouGov
5. Gambling Treatment and Support, March 2020, YouGov

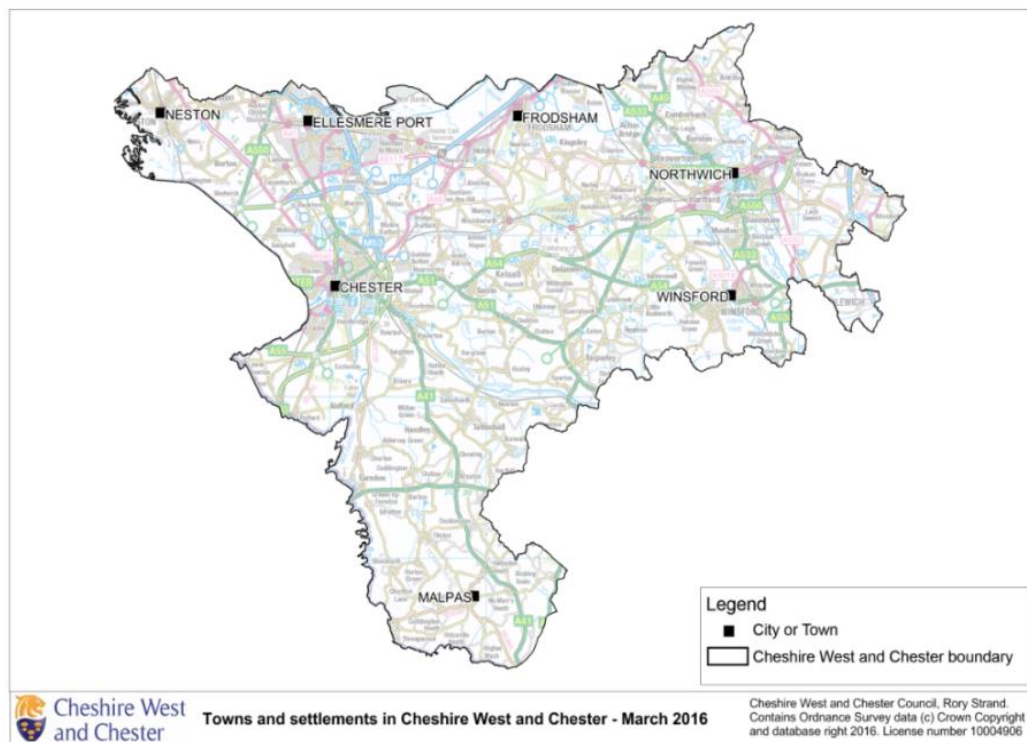
13. Notes

Population estimates of gamblers aged 16 plus in CW&C have been calculated using ONS Mid-year Population Estimates 2020. A population estimate for all age residents affected by another person's gambling are calculated using Census 2021. The Census could not be used for estimates of gamblers as single year of age was unavailable at time of writing (October 2022).

Cheshire West and Chester Profile

1. Introduction

The borough of Cheshire West and Chester (CW&C) covers approximately 350 square miles and is the fourth largest unitary authority in the Northwest. The area is characterised by attractive countryside, varied landscapes and diverse settlements. This includes the historic City of Chester, industrial towns, market towns and rural hamlets. Over 357,200 people live in the borough (Census 2021), with just over a quarter living in rural areas. Just 5.3% of residents are from a Black and Minority Ethnic background. The population is expected to increase over the next twenty years, particularly in older age groups.



2. Population

357,200 people are estimated to live in CW&C. 51% of the population are female and 49% are male. CW&C has an older population than the England average.

Table 1. Population estimates

Age group	CW&C population	CW&C % of population	England % of population
0 to 19	76,400	21%	23%
20 to 64	205,000	57%	58%
65+	75,900	21%	18%
85+	9,800	3%	2%
All age	357,200		

Source: Census 2021

Table 2: CW&C population five year age groups

Age	Estimated population	% of population
Under 5	17,600	5%
5 to 9	19,800	6%
10 to 14	20,300	6%
15 to 19	18,700	5%
20 to 29	41,000	11%
30 to 39	44,900	13%
40 to 49	43,800	12%
50 to 59	52,600	15%
60 to 69	42,500	12%
70 to 79	35,600	10%
80 plus	20,500	6%

Source: Census 2021

The population in CW&C is forecast to increase by more than 10% by 2038. The greatest increase is expected in those aged 65 or above (2018 based population forecasts, Insight and Intelligence Team, Cheshire West and Chester Council).

3. Poverty and deprivation

Quality of life is on the whole very good for many people across the Borough, with lower levels of deprivation, higher incomes and generally good health. However, there are pockets of significant disadvantage, where residents experience poorer health outcomes, living conditions, educational attainment and economic prospects. Over 24,000 of our residents live in small neighbourhoods (LSOAs) that rank in the 10% most deprived neighbourhoods in England (Indices of Multiple Deprivation 2019).

Whilst CW&C is an affluent borough the overall picture masks stark gaps between areas of prosperity and deprivation:

- The median household income in 2022 was £32,239 per year, but 11% of households have an income less than £15,000, below the £17,056 income that is considered to be the 'poverty line'.
- Lowest median household incomes were in Blacon, Wolverham and Winsford Wharton wards. Households in wards with the lowest incomes on average spend a higher proportion of their income on gas, electricity, oil and food than households in other wards. This is known commonly as the 'poverty premium'.
- 18,093 households (12%) were in fuel poverty* (2022).
- 8,322 children aged 0-15 lived in low income families in 2020/21, 13% of children in the borough. This reached 26% in some wards.
- There were 32 Trussel Trust foodbanks in 2021/2022 compared to 20 in 2019/20. The usage of foodbanks has been increasing. 22,182 food parcels were distributed to adults

* A household is considered to be fuel poor if they are living in a property with a fuel poverty energy efficiency rating of band D or below and when they spend the required amount to heat their home, they are left with a residual income below the official poverty line.

and children in 2021/2022 by Trussell Trust foodbanks in CW&C, a 34% percentage difference from 2019/20.

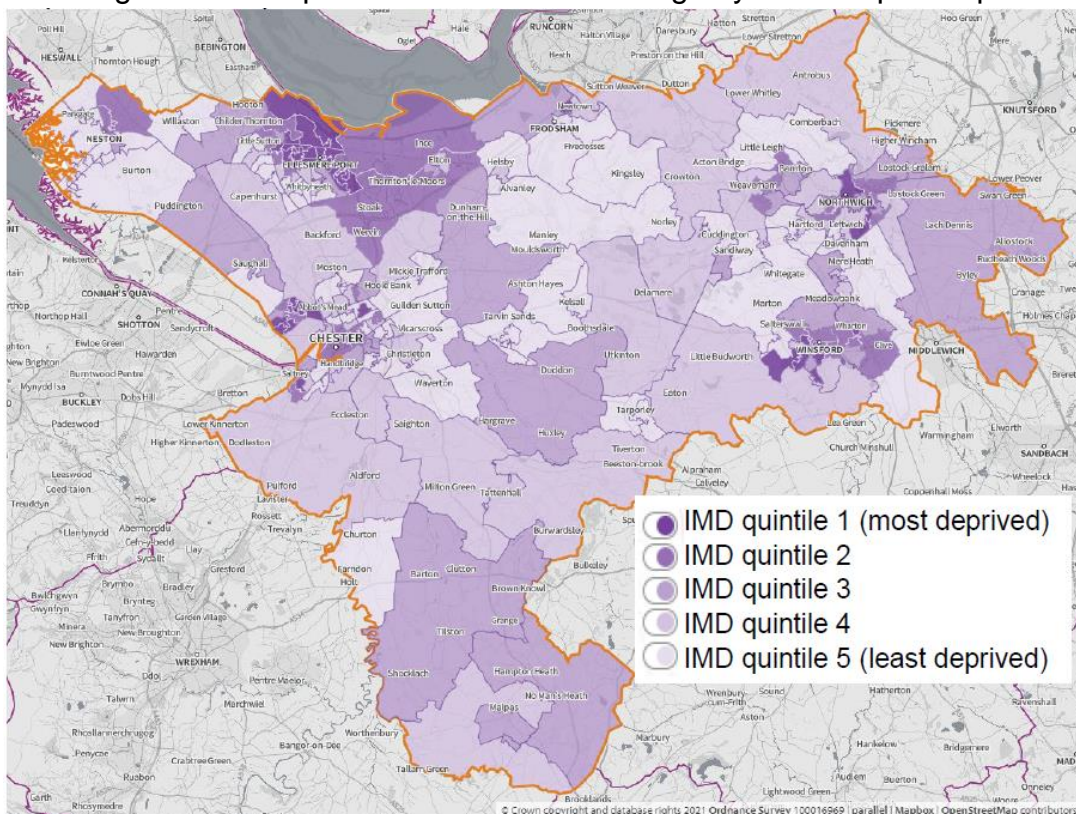
Source: State of the Borough dashboard, Insight and Intelligence, Cheshire West and Chester Council

The English Indices of Deprivation 2019 (IMD 2019) are the government's official measure of deprivation. The IMD is constructed by combining seven domains, each of which relates to a major social or economic deprivation. The scores for each domain are combined into a single deprivation score for each small area in England allowing each area to be ranked relative to one another according to their level of deprivation.

Cheshire West and Chester:

- Ranked 183rd most deprived out of 317 local authorities in England (where 1 is most deprived and 317 the least deprived).
- There are pockets of deprivation across the borough with 24,670 local people living in 16 small neighbourhoods ranked in the 10% most deprived neighbourhoods in England.
- Two of these 16 neighbourhoods rank in the 2% most deprived areas in England. These neighbourhoods are in Lache and Winsford.
- The highest levels of deprivation are found in the urban areas, primarily within the City of Chester and the towns of Ellesmere Port, Northwich and Winsford.

Map showing levels of deprivation across the borough by lower super output area (LSOA)



Source: English Indices of Multiple Deprivation 2019

In CW&C's most deprived areas (those areas amongst the 20% most deprived areas in England), more neighbourhoods and residents are affected by health deprivation and disability than any other type of deprivation; 51 neighbourhoods with a population of 78,470. In these

neighbourhoods, quality of life may be impaired through poor physical and mental health, and there is increased risk of premature death.

4. Economy

Cheshire West and Chester has a working age population (those aged 16-64), of approximately 207,000 (ONS Population estimates - local authority based by five-year age band 2020). 78% are economically active and 22% are economically inactive (includes students, carers, unable to work due to illness or injury, retired or people in other situations that preclude work) (Annual population survey (Jul 2021-Jun 2022)).

Both model-based unemployment and unemployment benefit claimant rates are well below the national average.

- Model Unemployment 3.6% (Annual population survey (Jul 2021-Jun 2022))
- Claimant rate 2.7% (ONS Claimant count by sex and age, Sept 2022)

Around a third of local people continue to work part-time. (ONS Business Register and Employment Survey 2021). Whilst 52,168 people commute out of the borough for work (with Cheshire East the most popular destination), 51,003 commute into the borough (with Flintshire the most popular source).

There are 14,960 business in CW&C. The most recent 2020 figures show a slight upturn in business births (to 1,650) and a dip in business deaths (to 1,590) (ONS Inter Departmental Business Register March 2021).

The most recent 2020 figures shows that the percentage of local businesses that survive two years has fallen locally (from 77% to 70%) nationally (from 76% to 70%) and regionally (from 76% to 68%) averages (ONS Inter Departmental Business Register March 2021).

The growth in Gross Value Added (GVA) in the borough between 1998-2020 (1.4%) reflects that of the North West (1.4%) but is below the UK average (1.5%) (ONS – Regional economic activity by GDP UK 2020).

The largest business sectors in terms of the number of businesses are:

- professional, scientific, and technical (2,800 businesses),
- construction (1,425) and
- business admin and support (1,205).

The sectors with the highest number of employees are:

- retail (which has increased to 22,000 employees),
- health (18,000) and professional,
- scientific and technical (16,000).

Professional occupations account for the greatest proportion of people employed in CW&C with 24%, followed by associated professional and technical occupations 17% and managers, directors, and senior officials (10%). The remaining occupations breakdown is:

- administrative and secretarial occupations 14%
- skilled trades occupations 9%
- caring, leisure and other service occupations 10%
- sales and customer service occupations 5%
- process, plant, and machine operative 5%
- elementary occupations 8%

Source: ONS Business Register and Employment Survey, 2021

The level of qualifications for residents show that Cheshire West and Chester has a higher proportion of residents qualified to NVQ4 or above than the England average (HND, degree and higher degree level qualifications or equivalent); 44% compared to 43% respectively. 6% of residents have no qualifications, lower than the England average. (ONS annual population survey, Jan 2021-Dec 2021).

5. Housing

The 2021 Census showed there were 163,300 dwellings in CW&C. Around 40% are owned outright, 30% owned with a mortgage or loan, and 30% are rented, with 15% being rented privately and 15% socially rented. House prices have been steadily increasing over the last ten years, as has house affordability, both following the England trend. At year end December 2021, the median house price was £230,00 compared to £280,000 nationally.

CW&C Local Plan indicates an annual average of 1,100 net dwellings need to be built each year up to 2030 to meet the target of 7,000 built between 2020 and 2030. The largest developments will be seen in Northwich, Winsford and Ellesmere Port areas.

6. Health

In line with national trends, life expectancy (the average number of years someone can expect to live) had generally been increasing in Cheshire West and Chester. However, the increased number of deaths in 2020 during the Covid-19 pandemic, has impacted recent life expectancy estimates. Single year estimates for men saw life expectancy fall from 79.9 years in 2019 to 79.2 years in 2020. For females, estimates fell from 83.5 years in 2019 to 83.2 years in 2020 (Public Health Outcomes Framework).

Health inequalities persist and life expectancy is lower in our more deprived areas compared to less deprived areas. In Cheshire West and Chester, the inequality gap is 9.8 years for men and 7.8 years for women (OHID fingertips Inequality in life expectancy at birth 2018-2020).

Cancer and cardiovascular diseases continue to be the biggest killers of people aged under 75 in CW&C, accounting for 36% and 22% of premature deaths respectively in 2020. Premature mortality (under 75 mortality rate) is significantly better than the England average (OHID Fingertips Tool).

In CW&C residents can expect to spend over 80% of their lives in good health. The most common chronic conditions in Cheshire in 2020-2021 were hypertension, depression, asthma, obesity and diabetes mellitus (NHS Quality Outcomes Framework (QOF)). Poor health is often linked to unhealthy behaviours, including smoking and obesity. The percentage of adults classified as overweight or obese has improved in CW&C but is still 60% (20/2021). Smoking prevalence has been generally declining in CW&C and in 2019 it was at its lowest at 11.3% (OHID Fingertips Tool).

These unhealthy behaviours are also linked with preventable mortality. Obesity is a leading cause of premature death and mortality, associated with a wide range of diseases including cardiovascular disease and some cancers. In CW&C the rate of preventable mortality has been reducing and is significantly lower than the England average (2020 data).

Appendix 5

Summary of Licensing Authority Delegations Permitted Under the Gambling Act 2005

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of the Licensing Authority statement of policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (if delegated by full council)	
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or responsible authority	X Where no representations received from the Commission or responsible authority

Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and	X Where no objections made/objections
		not withdrawn	have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X indicates the lowest level to which decisions can be delegated

Source: Gambling Commission (Guidance to licensing authorities 5th edition September 2015)