
EREWASH BOROUGH COUNCIL

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES 2025 - 2028

STATEMENT OF LICENSING PRINCIPLES

Gambling Act 2005 (2025 – 2028)

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This Statement of Licensing Principles was approved by Erewash Borough Council on 12 December 2024.

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, published April 2021. References to the Act' refer to the Gambling Act 2005.

PART A - Licensing Objectives and Functions

1. Introduction

- 1.1 Erewash is situated in the County of Derbyshire, which contains Derby City and eight District Councils. The borough of Erewash is to be found in the south east corner of Derbyshire and takes its name from the River Erewash which forms its eastern boundary with Nottinghamshire. The borough lies between the cities of Derby and Nottingham with the Rivers Trent and Derwent forming its southern and western boundaries.
- 1.2 The borough of Erewash has a population of approximately 112,900 making it the second largest borough in the County in terms of population. In terms of area it covers 42 square miles of Derbyshire. 70% of the residents of Erewash live within the eastern boundary which forms the towns of Ilkeston, Sandiacre and Long Eaton. The remainder of the borough is predominantly rural consisting of villages typical of the English Shires.
- 1.3 The Borough of Erewash.



- 1.4 Within the borough there are 12 licensed gambling premises these currently consist of 4 adult gaming centres and 8 betting premises. These are located in the commercial areas of Ilkeston and Long Eaton with one betting premises in the commercial area of Sandiacre.

These premises are shown in the area maps at the Local Area Profile Plan at Annex 5.

- 1.5 The Licensing Authority is required to publish a Statement of the principles which they intend to apply when exercising their functions. This statement must be published at least every three years. The Statement of Principles must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 1.6 The Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the Licensing Authority to represent the interests of persons with gambling businesses in the Authority’s area;
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority’s functions under the Gambling Act 2005.
- 1.7 The Licensing Authority consulted the following bodies and organisations. A full list of consultees will be provided on request:
- The Police and other Responsible Authorities
 - Derbyshire Public Health
 - Social Services
 - Parish Councils
 - EMH Homes
 - Housing Associations
 - Schools
 - Erewash Partnership Limited
 - Long Eaton Chamber of Trade
 - The general public were advised of the Draft Statement of Principles and asked to submit comments to the Council via the libraries and Town Halls in both Long Eaton and Ilkeston and on the Authority’s Web-site.
- 1.8 The Licensing Authority consultation took place from 20 September 2024 until 18 October 2024
- 1.9 The full list of comments made and the consideration by the Council of those comments is available by request to: The Licensing Office, Long Eaton Town Hall, Derby Road, Derbyshire, NG10 1HU or via the Council’s website at: licensing@erewash.gov.uk.
- 1.10 The Statement of Licensing Principles was referred to council for approval at a meeting of the Licensing & Public Protection Committee on 29 November 2024 and it will come into force on 31 January 2025.
- 1.11 Should you have any comments as regards this Statement of Licensing Principles please send them via e-mail or letter to the following contact:

The Licensing Manager, Town Hall, Derby Road, Long Eaton, NG10 1HU or email: carolyn.singleton@erewash.gov.uk

- 1.12 It should be noted that this Statement of Licensing Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2. Declaration

- 2.1 In producing the final statement, the Licensing Authority had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

3. The Licensing Objectives

- 3.1 In exercising their functions under the Gambling Act 2005, Erewash Borough Council as the Licensing Authority will have regard to the licensing objectives as set out in 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.
- 3.2 The Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks fit in accordance with:
- any relevant code of practice issued by the Gambling Commission;
 - any relevant guidance issued by the Gambling Commission;
 - the use of the premises for gambling being reasonably consistent with the licensing objectives and;
 - the Licensing Authority's Statement of Licensing Principles

4. Responsible Authorities

- 4.1 The Licensing Authority is required by regulations to designate a body which is competent to advise the authority about the protection of children from harm and the principles it will apply. These principles are:
- responsibility for an area covering the whole of the licensing authority's area; and
 - answerable to democratically elected persons, rather than any particular vested interest group.

- 4.2 Erewash Borough Council will seek the views of the Child Protection and Independent Reviewing Officer (IRO) for this purpose. The contact address is: Room 18, D Block, Chatsworth Hall, Chesterfield Road, Matlock, DE4 3PW.

Note: The contact details of all the Responsible Authorities under the Act can be found at Annex 4 of this document.

5. Interested parties

- 5.1 Interested parties can make representations regarding licence applications, or apply for a review of an existing licence. A person is an interested party in relation to an application for or in respect of a premises licence if the person:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - (b) has business interests that might be affected by the authorised activities; or
 - (c) represents persons who satisfy paragraph (a) or (b).
- 5.2 The principles that will determine whether a person is considered an interested party are as follows:
- each case will be considered on its merit;
 - a rigid rule to decision making will not apply;
 - the Gambling Commission's Guidance to Licensing Authorities will be considered;
 - where practicable interested parties with 'business interests' will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. If in the particular circumstances of the application the licensing authority departs from the guidance it will explain its reasons for doing so.
- 5.3 The Licensing Authority will consider representations from:
- trade associations;
 - trade unions;
 - resident and tenants associations and other similar bodies;
 - Councillors, Parish councillors and MP's on behalf of residents.

6. Exchange of Information

- 6.1 The Licensing Authority will have regard to any Guidance issued by the Gambling Commission regarding the exchange of information, as well as any relevant regulations issued by the Secretary of State under the Act.

Should any protocols be established about information exchange with other bodies these will be made available on request to all parties.

7. Enforcement

7.1 The Licensing Authority will be:

- Proportionate - interventions will be risk based;
- Accountable - decisions will be justified and subject to public scrutiny;
- Consistent - rules and standards will be coherent and implemented fairly;
- Transparent – regulations will be kept simple and user friendly; and
- Targeted - interventions will be focused on the problem and based on risk.

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

7.3 The Licensing Authority will adopt a risk-based inspection programme, based on:

- The licensing objectives;;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission, in particular at Part 36;
- The principles set out in this statement of licensing policy.

7.4 Test purchasing activities may be included to measure the compliance of licensed operators. When undertaking test purchasing activities, the Licensing Authority will liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place, irrespective of this, test purchasing may be deemed to be an appropriate course of action.

7.5 The Licensing Authority's enforcement and compliance role under the Act is to ensure compliance with the premises licences and other permissions which it authorises.

Note: Remote gambling, determination of applications for operators' or personal licences and related enforcement matters or concern regarding the manufacture, supply or repair of gaming machines should be notified to the Gambling Commission.

7.6 The Licensing Authority will be informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 Erewash Borough Council's enforcement protocols can be found at: [Enforcement policy](#) or upon request to the licensing department.

8. Licensing Authority functions

8.1 The main functions of the Authority are to:

- Licence premises for gambling activities.
- Grant Club Gaming Permits and/or Club Machine Permits.

- Grant Club Machine Permits to commercial clubs.
- Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres.
- Grant Licensed Premises Gaming Machine Permits to alcohol licensed premises, where there are more than two machines or notifications for the use of two or fewer gaming machines.
- Grant small society lotteries permits.
- Grant Prize Gaming Permits.
- Issue Temporary Use Notices.
- Issue Occasional Use Notices.
- Maintain registers of the permits and licences and provide this information to the Gambling Commission.

PART B – Premises Licences: Consideration of Applications

1. General Principles

- 1.1 Premises' licences will be subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The Licensing Authority can exclude default conditions and attach others, where appropriate.
- 1.2 The Licensing Authority will consider section 1.3 of this policy in making decisions about premises licences: Moral objections to gambling and an unmet demand are not a valid reason to reject or grant applications for premises licences.
- 1.3 The Licensing Authority takes note of the Gambling Commission's Guidance and Social Responsibility Code 9.1.1 Gaming machines in gambling premises - betting. Gaming machines may be made available for use in licensed betting premises only when there are also substantive facilities for non-remote betting, provided in reliance on the licence, available in the premises and machines must be appropriately supervised by staff.
- 1.4 Licensees must ensure that the function along with the internal and/ or external presentation of the premises are such that a customer can reasonably be expected to recognise it is a premises licensed for the purposes of providing betting facilities.

Definition of 'premises'

- 1.5 Premises are defined in the Act as 'any place'. A single building may hold more than one premises licence, provided they are for different parts of the building and the different parts of the building are regarded as being different premises. Areas within a building that are artificially or temporarily separated, for example by use of ropes or moveable partitions, will not be regarded as different premises

1.6 The Licensing Authority will ensure that mandatory conditions relating to access between premises are observed where there are issues about sub-divisions of a single building or plot. Measures may include:

- supervision of entrances;
- segregation of areas frequented by children for non- gambling activities;
- the supervision of gaming machines in non-adult gambling specific premises.

1.7 Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe, gambling where they are prohibited from participating in order to promote the licensing objectives and in accordance with the Gambling Commission's Guidance.

Note: Access provisions for each premise type are found in the Gambling Commission's Guidance to Licensing Authorities

Premises 'ready for gambling'

1.8 If the construction of a premises is not yet complete, or if it needs alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made.

1.9 In deciding whether a premises licence can be granted the Licensing Authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place given that the premises are not yet in the state in which they ought to be before gambling takes place.

Local Risk Assessment

1.10 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) effective from 30 August 2024, formalise the need for operators to consider local risks. A local risk assessment will apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

1.11 Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement and the Council's Statement of Licensing Policy under the

Licensing Act 2003.

- 1.12 Licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - when applying for a new or variation of a premises licence.
- 1.13 The social responsibility provision is supplemented by an ordinary code provision found within the Gambling Commissions Licensing conditions and codes of practice which requires licensees to share their risk assessment with licensing authorities when applying for a new or variation of a premises licence or where a concern is raised. The latter practice should reduce the occasions on which a premises review and the imposition of license conditions is required.
- 1.14 The Licensing Authority has an expectation that all local risk assessments will take into account the local social profile of the area.
- 1.15 Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact. The supporting information may contain the following information:
- will opening times be set so that the premises are not open during school start and finish times?
 - how will the premises restrict access to children, young people or other vulnerable persons?
 - whether a proof of age scheme will be used;
 - will the appropriate number of security staff be employed at appropriate times?
 - what procedures and staff training are in place to identify and protect vulnerable persons?

Location

- 1.16 The Licensing Authority cannot consider demand for gambling activities with regard to the location of premises. However, the Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 1.17 Each application will be decided on its merits, with the onus upon the applicant demonstrating how potential concerns can be overcome through its local risk assessments.

Planning

- 1.18 The Licensing Authority will only consider relevant matters that relate to gambling and the licensing objectives. Planning permission or building regulations approval will not be considered relevant under the Act. Equally the granting of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other regulatory regimes

- 1.19 The Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems, including planning, fire and health and safety services. It will consider carefully, any concerns about conditions which are not able to be met by licensees due to planning or building constraints, should such a situation arise.

Licensing objectives

- 1.20 Premises licences must be reasonably consistent with the licensing objectives. With regard to these objectives the Licensing Authority has considered Guidance and its position on these issues are stated in paragraphs 1.21 to 1.25 below:

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

- 1.21 The Gambling Commission will take a leading role in preventing gambling from being a source of crime. If an area has known high levels of organised crime the Licensing Authority will consider whether gambling premises are suitable to be located there or whether additional conditions may be required such as the provision of door supervisors. A distinction may be made between disorder and nuisance and factors will be considered i.e. whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Public nuisance cannot be addressed simply by licensing controls under the Act.

Ensuring that gambling is conducted in a fair and open way

- 1.22 The Gambling Commission has stated that it would not generally expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences and not the premises licences.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 1.23 The objective provides for the prevention of children from taking part in gambling

(as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

- 1.24 The Licensing Authority will have regard to the Gambling Commission Codes of Practice in regard to the protection of children and vulnerable persons. Please note: On 30 August 2024 further provisions came into force under the Gambling Commissions Licence Conditions and Codes of Practice (LCCP) that require licensees to apply Think/ Challenge 25 procedures in line with other age-controlled sectors.

Under the Act the term 'vulnerable persons' does not seek to offer a definition but states that it will for regulatory purposes assume that this group includes:

- people who gamble more than they want to;
- people who are gambling beyond their means; and
- people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

- 1.25 The Licensing Authority will consider this licensing objective on a case by case basis.

Conditions

- 1.26 Conditions will only be attached to licences where it is necessary to supplement the mandatory and default conditions and where evidence of a risk to the Licensing Objectives exists. The Licensing Authority will aim to permit the use of the premises for gambling and will not attach conditions that will limit their use. Conditions 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.

- 1.27 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures the Licensing Authority will consider utilising should there be a specific risk, i.e.

- the use of supervisors,
- appropriate signage for adult only areas etc.

- 1.28 The Licensing Authority will ensure that where category C (please refer to Annex 1) or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 1.29 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 1.30 Race tracks may be subject to one or more premises licences provided each licence relates to a specified area of the track. The Licensing Authority will consider the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.31 The following types of conditions cannot be attached to premises licences:
- any which makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of machine 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 and this provision prevents it being reinstated; and
 - conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

- 1.32 The Licensing Authority may require that the entrances to the premises are controlled by a door supervisor, if it is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons).
- 1.33 At a meeting of the Licensing and Public Protection Committee held on 7 November 2006, it was approved that where conditions as to door supervision are thought to be appropriate, then such door supervision must be conducted only by persons registered with the Security Industry Authority (SIA).

2. Adult Gaming Centres

2.1 The Licensing Authority will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

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

- Proof of age schemes
- Use of CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises

2.3 The above list is not mandatory, or exhaustive, but indicative.

3. (Licensed) Family Entertainment Centres

3.1 The Licensing Authority will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. For example, it will expect each applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. The measures the Licensing Authority may consider to meet the licensing objectives are listed at paragraph 2.2.

3.2 The Licensing Authority will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

4.1 The Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by Full Council.

5. Bingo premises

- 5.1 Children and young people are allowed into bingo premises. They are not permitted to participate however in the bingo and if category B or C machines (please refer to Annex 1) are made available for use these must be separated from areas where children and young people are allowed.

6. Betting premises

- 6.1 The Licensing Authority will take into account when considering an application for a betting premises licence, the size of the premises, the number of counter positions available, and the ability of staff to monitor the premises against the use of the machines by the vulnerable, children and young persons (it is an offence for those under 18 years old to bet).

7. Race Tracks

- 7.1 Although there are currently no racetracks in Erewash, the Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. Should there be any applications for such a premises licence, it will consider especially the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

8. Travelling Fairs

- 8.1 The Licensing Authority will decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. This will apply to the Charter Fair and other fairs held in the borough.
- 8.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

Note: The 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis and applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

- 9.1 Developers may wish to apply to the Licensing Authority for a provisional statement before entering into a contract to buy or lease property or land to judge

whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

- 9.2 The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.3 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a race track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.4 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. Following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances, or
 - the construction of the premises has substantially differed from the original plan.
- 9.5 If any of the above matters apply and representations are received the Licensing Authority may at a hearing refuse the premises licence (or grant it on terms different to those attached to the provisional statement).

10. Reviews

- 10.1 An application for a review of a premises licence can be made by interested parties or responsible authorities. It is a matter for the Licensing Authority to decide however whether a review is relevant to the matters listed below:
- 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.
- 10.2 The application for a review will also be subject to whether the Licensing Authority consider it to be relevant, frivolous, vexatious or repetitious. The Licensing Authority can initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

- 10.3 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day consultation period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 10.4 The Licensing Authority must carry out the review as soon as possible after the consultation period.
- 10.5 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are to:
- add, remove or amend a licence condition imposed by the Licensing Authority;
 - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - suspend the premises licence for a period not exceeding three months; or
 - revoke the premises licence.
- 10.6 In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Gambling Act 2005, as well as any relevant representations.
- 10.7 The Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 10.8 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Gambling Commission
 - any person who made representations
 - the Chief Officer of Police or Chief Constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART C - Permits/Temporary and Occasional Use Notice

1. Unlicensed Family Entertainment Centre (FEC) gaming machine permits

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly

used for making gaming machines available for use.

- 1.2 The Licensing Authority may prepare a statement of principles to consider determining the suitability of an applicant for a permit. The Licensing Authority will have regard to the licensing objectives and to any relevant guidance issued by the Commission especially with regards to child protection issues.
- 1.3 The Licensing Authority shall expect applicants to demonstrate:
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff will be trained to have a full understanding of the maximum stakes and prizes.
 - how their policies and procedures will protect children from harm in respect to staff procedures for suspected school truancy, unsupervised very young children being on the premises, children causing perceived problems on/around the premises.
- 1.4 The Licensing authority will expect the applicant to:
 - have no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - train staff to have a full understanding of the maximum stakes and prizes.
- 1.5 An application for a permit will only be granted if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application and has no objections to this grant. The licensing authority cannot attach conditions to this type of permit.

2. (Alcohol) Licensed premises gaming machine permits

Premises licensed for the sale of alcohol under the Licensing Act 2003 and gaming machine permits under the Act.

Automatic entitlement: 2 machines

- 2.1 There is provision in the Act for on-licensed alcohol premises to automatically have 2 gaming machines, of categories C and/or D. The Premises Licence Holder is required to notify the Licensing Authority and pay the prescribed fee.
- 2.2 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- the provision of the machines is not reasonably consistent with the licensing objectives;
- gaming has taken place on the premises that breaches a condition of the Act (Failure to provide written notice to the Licensing Authority, failure to provide a fee or failure to comply with any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

Gaming Machine Permit - 3 or more machines

- 2.3 If an operator of premises wishes to have more than 2 machines, then they must apply for a Gaming Machine permit and the Licensing Authority must consider the application based upon:
- the licensing objectives;
 - any guidance issued by the Gambling Commission issued under Section 25 of the Act;
 - and “such matters as they think relevant.
- 2.4 Each application will be decided on a case-by-case basis with regard given to the protection of children and vulnerable persons and the Licensing Authority will expect the applicant to satisfy that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 2.5 Applicant’s should consider the following measures:
- the adult machines are in sight of the bar;
 - have staff who will monitor the machines to restrict under 18 use;
 - notices and signage.
- 2.6 Applicants may wish to consider the provision of information leaflets/ helpline numbers for organisations such as GamCare or GambleAware for the protection of vulnerable persons.
- 2.7 Alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.8 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. Conditions (other than these) cannot be attached.
- 2.9 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

3.1 The applicant should set out the types of gaming that he or she intends to offer and should be able to demonstrate:

- they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law;
- that they have clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for a permit the Licensing Authority may have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

3.2 There are conditions in the Act by which the permit holder must comply with, which are:

- the limits on participation fees, as set out in regulations,
- all chances to participate in the gaming must be allocated on the same day the gaming is taking place. The result of the game must be made public at the end of the game;
- 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.

4. Club Gaming and Club Machines Permits

4.1 Private Members Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit. 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 as set-out in regulations.

4.2 Private Members Clubs and also Commercial Clubs – may apply for a Club Machine Permit. A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

4.3 The Licensing Authority will satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations.

4.4 The Licensing Authority will 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 a club machine permit;
- 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.

4.5 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.

5. Temporary Use Notices

5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, will include hotels, conference centres and sporting venues.

5.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and currently can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

5.4 The Licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. The meaning of "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", The Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

6. Occasional Use Notices

6.1 The Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to gain a Notice and will ensure that no more than 8

Occasional Use Notices are issued in one calendar year in respect of any venue.

7. Small Society Lotteries

7.1 The Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries and will consider the following list, which could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- submission of incomplete or incorrect returns;
- breaches of the limits for small society lotteries.

7.2 Non-commercial gaming is permitted at a non-commercial event, either as an incidental or principal activity. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes;
- to enable participation in, or support of, sporting, athletic or cultural activities.

7.3 Charities and community groups should contact the Licensing Authority on tel: 0115 907 2244 or email: licensing@erewash.gov.uk to seek further advice.

8. General Statement

8.1 The Licensing Authority recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs, family entertainment centres (amusement arcades) and race tracks.

8.2 In carrying out its licensing functions the Authority will have regard to any guidance issued by the Gambling Commission from time to time.

8.3 In considering applications, and taking enforcement action, under the Gambling Act the Authority will have regard to the provisions of the Human Rights Act 1998 and in particular:-

- Article 1, Protocol 1 - peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest.
- Article 6 - right to a fair hearing.
- Article 8 - respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life; and.
- Article 10 - right to freedom of expression.

- 8.4 To ensure the licensing objectives are met the Licensing Authority will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.
- 8.5 Where children and other vulnerable people are allowed access to premises where gambling takes place, the Licensing Authority may take whatever steps are considered appropriate to either limit access generally or by introducing measures to prevent underage-gambling.
- 8.6 The Licensing Authority will not normally seek to limit the access of children to any Premises into which they are allowed by law unless it receives representations to that effect, or it believes it is right to do so for the prevention of their physical, moral or psychological harm. Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 8.7 Each application will be considered on its own individual merits.
- 8.8 The Licensing Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times. Please contact the Licensing Service.

PART D - Annexes

Annex 1

Categories of Gaming Machines

A gaming machine is defined as a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes).

Under the Gambling Act 2005 gaming machines fall into categories depending on limits on the stake laid down and prizes available.

Categories A, B and C machines are adult only gaming machines.

Category D machines have no age restrictions.

Gaming Machine Category	Maximum Stake (£)	Maximum Prize (£)
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – non money prize machine (not crane grab)	30p	£8 (value of non-money prize)
D – non money prize (crane grab)	£1	£50 (value of non-money prize)
D –money prize	10p	£5
D – combined money & non-money prize (coin pusher or penny falls)	20p	£20 (of which no more than £10 may be a money prize)
D – combined money & non-money prize (other than coin pusher or penny falls)	10p	£8 (of which no more than £5 may be a money prize)

Please note: Stakes and prizes may be subject to change at any time.

For up to date information please visit the Gambling Commission website at: [Gambling Commission website](https://www.gamblingcommission.gov.uk)

Summary of Machine Provisions by Premises Type

Premises Type	Machine Entitlement
Regional Casino (machine/table ratio of 25 – 1 up to maximum)	Maximum of 1,250 machines Any combination of machines in categories A to D, within the total limit of 1,250) (except B3A machines) (subject to table ratio)
Large Casino	Maximum of 150 machines in categories B to D (except B3A machines) subject to machine/table ratio)
Small Casino	Maximum of 80 machines in categories B to D (except B3A machines) subject to machine/table ratio)
Pre-2005 Act casino	Maximum of 20 machines Categories B to D (except B3A machines) or any number of C to D machines
Betting Premises and Tracks occupied by Pool Betting	Maximum of 4 machines in categories B2 to D (except B3A machines)
Bingo Premises	Maximum of 20% of the total number of gaming machines which are available for use on the premises, categories B3 or B4. No limit on cat C or D machines.
Adult Gaming Centre	Maximum of 20% of the total number of gaming machines which are available for use on the premises, categories B3 or B4. No limit on cat C or D machines.
Family Entertainment Centre (with premises licence)	No limit on category C or D machines
Family Entertainment Centre (with permit)	No limit on category D machines
Clubs or Miner's Welfare Institutes (with permit)	Maximum of 3 machines in categories B3A or B4 to D (only one cat B3A)
Commercial Clubs (with permit)	Maximum of 3 machines in categories B4 to D
Qualifying Alcohol licensed premises (automatic entitlement)	1 or 2 machines of category C or D automatic upon notification
Qualifying Alcohol licensed premises (with gaming machine permit)	Number of category C or D machines as specified on permit
Travelling Fair	No limit on category D machines

Please note: Gaming machines may not be installed in places such as taxi offices, chip shops and late night refreshment outlets where the primary business operation is not gambling. No person under 18 years old can access any gaming machine other than those in Category D.

Annex 2

Casinos

Erewash Borough Council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has a power to do so. Should the Council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

The Authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a competition under Schedule 9 of the Act. The Authority will run such a competition in line with any regulations/codes of practice issued under the Gambling Act 2005.

Annex 3

Gambling – Exempt Gaming and Charity Fundraising

Under the Gambling Act 2005 a licence or a permit will be required to carry out gambling activities, or certain types of gambling will not require permission under exempt provisions.

Poker in Pubs and Clubs - Poker is a game that has become increasingly popular over the last few years and the Gambling Act has altered where it may be played, in particular allowing it to be played in pubs and clubs under the exempt gaming provision. There are limits on stakes, prizes and participation fees – in pubs the stake limit is £5 per player per game with an aggregate stakes limit of £100 for the day. No charge or entry fee may be made for playing. Similarly, clubs (without club gaming permits – if they have a permit there is no limit) have limits and these are a stake limit of £10 per player per game with an aggregate stakes limit of £250 per day and £1,000 per week.

Race Nights - Race nights are a very popular way of raising money for charitable causes and there is no need for any kind of licence or permit. The main requirement is that none of the proceeds from the event are used for commercial gain.

Casino Nights - The Gambling Commission regulates commercial casino gambling and if more information is required they can be contacted at:

www.gamblingcommission.gov.uk. Clubs with club gaming permits may offer two banker's games – chemin de fer and pontoon but not blackjack or roulette. A casino night to raise money for charity (or another non-commercial purpose) is exempt, provided all of the proceeds go to the cause and there is no private gain. There is no requirement for any kind of licence or permit to be in place.

Bingo - The Gambling Commission generally licenses cash bingo, but prize bingo may take place under a number of different circumstances. Adult Gaming Centres, Family Entertainment Centres, family entertainment centre permit holders, prize gaming permit holders and travelling fairs are all able to offer prize bingo. Where prize bingo is played for money prizes there are cash limits. If pubs and clubs wish to offer bingo there are cash limits but if bingo is held to raise money for a 'good cause' there are no cash limits but you must tell participants which good cause will benefit. There are no licence or permit requirements.

Annex 4

Responsible Authorities

EREWASH BOROUGH COUNCIL

Licensing authority
Licensing Department
Town Hall
Derby Road
Long Eaton
Derbyshire NG10 1HU
Tel: 0115 9072244

licensing@erewash.gov.uk

Derbyshire Fire & Rescue Service

South Area Office
Ascot Drive Fire Station
Ascot Drive
Derby
DE24 8GZ
TEL: 01332 777850

southareaadmin@derbys-fire.gov.uk

THE GAMBLING COMMISSION

Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tel: 0121 2306666
Fax: 0121 2306720
Email:

info@gamblingcommission.gov.uk

Child Protection and IRO Team

Derbyshire County Council
County Hall
Matlock
DE4 3AG
tel: 01629533190
<https://www.derbyshire.gov.uk/council/contact-us/call-derbyshire/call-derbyshire.aspx>

POLICE

Derbyshire Constabulary
D Division Headquarters
Prime Park Way
Chester Green
Derby
DE1 3AB
Tel: 01332 613255
Email:

derby.licensing@derbyshire.pnn.police.uk

Fax: 01332 613087

ENVIRONMENTAL PROTECTION

Environmental Protection Team
Town Hall
Derby Road
Long Eaton
Derbyshire
NG10 1HU
Tel: 0115 9072244
Email:

environmentalhealth@erewash.gov.uk

HM REVENUE AND CUSTOMS

National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ
Tel: 0141 5553633
Email:

Nrubetting&gaming@hmrc.gsi.gov.uk

PLANNING Development Control Section

Town Hall
Derby Road
Long Eaton
Derbyshire, NG10 1HU
Tel: 0115 9072244
Email: planning@erewash.gov.uk

Annex 5

Gambling Act 2005 Statement of Licensing Policy Local Area Profile Plan

Introduction

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) set out the requirements all licensees must meet in order to hold a Gambling Commission Operator and Personal licence, the Social Responsibility Code, is a requirement under the LCCP to protect people from gambling-related harm. From April 2016, licence holders are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks and any potential harms that gambling premises may have on the local community.

The Council as Licensing Authority would expect an operator's local risk assessment to cover the following areas:

- The premises' building;
- Location of the premises;
- Protecting children;
- Protecting vulnerable people;
- Crime and disorder prevention.
- Demographics of the area in relation to vulnerable groups
- • Whether the premises is in an area subject to high levels of crime and disorder;
- • Vicinity of schools, playgrounds, leisure and community centres and other areas where children will gather;
- • Vicinity of gambling or addiction support or treatment centres, residential care homes, medical facilities or Council housing offices where vulnerable groups will gather;
- • Gaming trends that may reflect benefit payments or pay days;
- • Information held by the licensee regarding self-exclusion and incidences of underage gambling.

The Licensing Authority will require the operator to provide their local risk assessment where there are concerns in relation to the premises in order for the Licensing Authority to assess the measures in place to address the specific concerns.

Any applicant applying for the grant or variation of a premises licence must include a local risk assessment in addition to their application. The local risk assessment must assess the local risks to the licensing objectives posed by the provision of the applicant's proposed gambling facilities at the premises. The applicant must have

policies, procedures and control measures to mitigate the risks identified in the assessment. These policies and procedures must be submitted with the application.

The Licensing Authority would expect the local risk assessment to be reviewed following any significant changes in local circumstances i.e. new schools or hostels and any substantiated complaint in relation to the premises.

The Licensing Authority would expect the operator to work with the Licensing Authority to improve any areas of the local risk assessment that do not adequately mitigate the risks identified, have inadequate measures to reduce risks or fail to identify all of the local risks

Local Area Profile Plan

The Licensing Authority recognises that it is not a mandatory requirement to have a local area profile plan however the Licensing Authority believes that a local area profile will assist licence holders in producing their risk assessments.

A number of benefits to having a Local Area Profile Plan are:

- it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it
- greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
- it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge
- it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

The local area profile plan is intended to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licence holders and a more coordinated response to local risks.

The following links are provided for Operators to utilise. The data provides a summary of the latest available information on the demographic and socio-economic make-up of the Erewash district within Derbyshire county, providing the population structure and provides information on the economic, housing and educational achievement of the district.

Derbyshire Observatory Erewash Summary 2023 [Area Profile Tool 2023 0.02.xlsm](#)
(derbyshire.gov.uk)

In order to produce a local area profile, the Licensing Authority have requested data from Public Health and Derbyshire Constabulary to assess any potential and actual risks of gambling related harm and increased crime statistics relating to gambling within Erewash. In producing this local area profile the Licensing Authority has considered the

Derbyshire Joint Strategic Needs Assessment. [Link to: Derbyshire Joint Strategic Needs Assessment](#)

Enquiries with relevant organisations have not revealed any data (awaiting 2024 updates) to suggest that there are any areas within the borough that could be identified as a risk to crime and disorder or health related harm as a result of existing Gambling premises. However, the local area profile plan is required to identify any potential risks that might arise.

Children, Adolescents and Young Adults

Children, adolescents and young adults have been explicitly identified as being vulnerable to the experience of gambling problems or at risk of experiencing gambling problems.

The licensee needs to be aware of the proximity of schools and vulnerable adult centres and residential areas with a high concentration of families with children and the Licensing Authority would expect to see additional measures in place to mitigate any existing or potential risks in such areas.

The Licensing Authority will carefully consider an application located near to these types of premises and decide whether there is a need for any conditions to mitigate the risks in light of the third licensing objective. Each case will be decided on its own merits and will depend on the type of gambling that is proposed for the premises. However, the Licensing Authority will consider additional controls if the licence holder does not have sufficient measures in place.

Licence holders need to be aware of the location of the following ‘sensitive’ buildings within the borough:

Schools and Colleges (link to Derbyshire County Council’s website [School names and addresses](#))

Youth Centres:

- Cantelupe Centre, Market Place, Ilkeston
- VC 12 Youth Group, 16a Nottingham Road, Ilkeston
- Long Eaton County Youth Centre

The Licensing Authority expects licence holders to ensure that advertising relating to the premises, or relating to events at the premises, is not displayed when children are likely to be near the premises.

Mental Health

There is a consistent body of evidence demonstrating a strong association between gambling and mental health problems. This suggests that people with common mental disorders, substance use/abuse problems and psychoses have higher rates of problem or at-risk gambling than those without these conditions. With this in mind, the licensee needs to be aware of the following premises within the Borough which if in close

proximity to the gambling premises then extra measures must be in place to mitigate the risks:

- Supported housing for people with drug and alcohol issues;
- People with learning difficulties have been identified as being at risk of experiencing harm as they are identified as not being able to make an informed choice about whether to gamble.

Unemployment

There is a consistent body of evidence showing that those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment. Evidence has shown that those living in deprived areas are more likely to experience problems with gambling. The areas which are identified as areas of poverty and higher deprivation are found in the Joint Strategic Needs Assessment. The agencies are keen to foster higher aspirations within the teenage and early 20 age groups in these areas.

The Licensing Authority would expect a licensee to identify measures to be taken to reduce exposure to young adults and parents within wards showing higher levels of deprivation. This local area profile will be reviewed as required if further information and/or data becomes available. The following links are available

Ministry of Housing, Communities and Local Government [English indices of deprivation 2019 \(opendatacommunities.org\)](#) . This tool provides access to the 2019 deprivation data.

Office for National Statistics Data from the Census 2021 [Erewash \(E14001228\) - ONS](#)
The main responsibilities are collecting, analysing and disseminating statistics about the UK's economy, society and population.



