

Gambling Act 2005 - Review of Statement of Licensing Policy

Report by the Director for Communities

1.0 Summary

- 1.1 In accordance with the statutory requirements of the Gambling Act 2005 (the act) the Council's Statement of Gambling Licensing Policy has been reviewed. Following consultation with the 'Responsible Authorities' & public. Members are requested to consider and recommend the attached updated draft interim policy for adoption by full Council on 17 December 2015.
- 1.2 Only very minor changes to the policy are incorporated. The amendments to the policy are limited to the updating of the tables on pages 33, 34 and 35 and some minor changes to incorporate name and date changes. These are highlighted in the policy in bold italics.
- 1.3 Members are invited to review the council's Statement of Licensing Policy in relation to the Gambling Act 2005, and then invite Council to endorse its recommendations.

2.0 Background

- 2.1 Adur District Council's current statement of Licensing Policy under the Gambling Act 2005 was endorsed by this committee and subsequently approved by the council in 2012. It was approved following an extensive consultation process with the public and statutory and voluntary agencies. The policy was in accordance with both the act and the statutory guidance issued by the Gambling Commission that was current at the time.
- 2.3 The policy, along with the Gambling Commission's guidance, provides the framework for officer and member decision making on applications for gambling premises licences under the act.
- 2.4 The provisions of the act require the Council review its Statement of Licensing Policy at least every three years. The current policy is now three years old and is now due for review and re-adoption.
- 2.5 The timing of this requirement to review is unfortunate because major changes in how the legislation works come into force in April 2016 but the council cannot delay its review until then. A reviewed policy must be adopted and in place for January 2016.
- 2.6 The major changes to the Gambling Act 2005 that are coming into force extend control measures that may be used to protect children and other vulnerable persons

from being harmed or exploited by gambling. These changes to the Licence conditions and codes of practice (LCCP) were laid out earlier this year and included a new social responsibility (mandatory) code requiring all operators with gambling premises licences to produce a local risk assessment. This requirement will take effect from 6 April 2016

2.7 The Gambling Commission's Guidance for Local Authorities, setting out details of how to implement these changes was published at the end of September 2015. The changes are quite fundamental and will expect gambling premises to produce risk assessments based on the council's policy to show how vulnerable people, including people with gambling dependencies, are protected and to consider as a minimum:

- whether the premises is in an area of deprivation
- whether the premises is 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.

Adur District Council's Statement will be able to list other matters that the risk assessments must consider including staff training, premises layout and signage.

2.8 This is going to be a major piece of work using the new guidance and hopefully the final results of some major national gambling research being currently carried out, that it is hoped will give a better understanding around the risks relating to vulnerability at local levels. The Licensing Unit will draw up a fully revised 'draft statement of policy' with full consultation taking place early next year in readiness for adoption in April 2016, when the new local risk assessment requirements for gambling operators come into force.

3.0 Consultation

3.1 The unfortunate timing of these changes, with the council having to renew the policy only months before new regulations come into force, means it is proposed in the interim to re-instate the existing version of the policy with effect from January 2016 (for use until a fully revised policy is ready for adoption in April 2016) subject only to minimal changes to ensure accuracy, for example, changes of address, fruit machine specifications etc.

3.2 Consequently, this attached draft of the policy contains the minimum of amendments and no changes to the intent or direction of the policy are included. Because it contains such minor amendments consultation of the authorities and public has been limited to a period of four weeks between 1 October and 31 October 2015.

3.3 At the time of writing no responses to the consultation had been received. Consultation closes later this week and any and all responses will be reported to members at the meeting.

4. Consideration

- 4.1 Under the act rights of representation are granted to Responsible Authorities (the Council as Licensing Authority, Gambling Commission, Police, Fire & Rescue Service, Planning Service, Environmental Health, HM Customs and Excise), and Interested Parties (person living close enough to be likely to be effected or having business interests that might be affected). Since the Gambling Act came into force in 2007 none of the applications received by this Licensing Authority, under the act, have given rise to any representations, and no licensing hearings have therefore been necessary.
- 4.2 No complaints regarding gambling premises and no calls for a review of a premises licence have been received since the Act was introduced.
- 4.3 The very minimum of amendments have been made to the draft policy that went out to consultation because major changes are pending to incorporate amendments to the legislation later in 2016 and this policy is likely to be in force for a period of only 4 months.
- 4.4 None of the minor changes made are considered to change the spirit or direction of the policy. The Gambling Act 2005 has not proven to have caused major concerns to this Licensing Authority. No evidence has emerged that the current statement of Licensing Policy is not appropriate and only minor changes, for the reasons detailed above, are therefore recommended for this interim policy.

5.0 Legal

- 5.1 Section 349 of the Act requires the Council prepare and publish a statement of principles that will apply in exercising its functions under the Act. This statement of principles (the policy) should be applied for a period not exceeding three years. There is no bar to more frequent reviews of the policy and changes can be made to the policy if necessary for example if there are any significant changes to the legislation.
- 5.2. Section 154 of the Act means that only Full Council can approve this policy as the function cannot be delegated to the Licensing Committee. However the Council may take into consideration any recommendations made by the Licensing Committee.
- 5.3 In determining this matter the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses given due weight.
- 5.4 Members must consider each licensing matter on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Gambling Act 2005. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 5.5 All licensing matters, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 5.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The

possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Gambling Act 2005 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

6.0 Implications

6.1 There are no significant equal opportunities or environmental implications. Crime and disorder considerations are included in the Policy.

7.0 Recommendation

7.1 The Committee is asked to consider and recommend to full Council the adoption of the attached draft statement of licensing policy and principles: Gambling Act 2005.

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Ref: SJ/Lic.U/ADC Gambling Policy

Date: 28 October 2015.

Background Papers:

- Gambling Act 2005
<http://www.legislation.gov.uk/ukpga/2005/19/contents>
- Guidance issued to Licensing Authorities (Sept 2015)
<http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities-5th-edition.aspx>

Contact Officer:

- Appendix A - Consultation List
- Appendix B - The Draft Statement of Licensing Policy

Schedule of Other Matters

1.0 Council Priority

1.1 Statutory requirement.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered and no issues identified

5.0 Community Safety Issues (Section 17)

5.1 Matter considered in body of report.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 List of those consulted included at appendix A.

9.0 Risk Assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 Matter considered and no issues identified

SCHEDULE OF CONSULTEES
Adur District Council's Draft Statement of Gambling Licensing Policy
2015

RESPONSIBLE AUTHORITIES

- Adur District Council as Licensing Authority
- The Gambling Commission
- The Chief Constable, Sussex Constabulary
- West Sussex County Council Fire and Rescue Authority.
- Adur & Worthing Councils as Local Planning Authority
- Adur & Worthing Councils as authority having functions in minimising or preventing harm to the environment or harm to health - Environmental Health Section
- H.M. Revenue and Customs

PUBLIC

- Consultation on Adur & Worthing Councils' Website.

INTERNAL OFFICER CONSULTEES

- John Mitchell – Director of Communities
- Michele Wilkinson – Legal Services
- Tina Favier – Head of Wellbeing

Adur
District
Council



GAMBLING ACT 2005

STATEMENT OF LICENSING POLICY AND PRINCIPLES

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Part A

1 Introduction

- 1.1 This Policy and Principles Statement has been drafted to comply with the Gambling Act 2005's statutory regulations, **Licence Conditions and Codes of Practice (LCCP)** and guidance issued by Government and Gambling Commission. **Should any amendments be made to the above documents which impact upon the content of this Policy, amendments will be made.**
- 1.2 All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in September **2015** available from www.gamblingcommission.gov.uk .
- 1.4 Under the Gambling Act 2005 Adur District Council is the Licensing Authority responsible for the administration and enforcement of the relevant sections of the act within the district of Adur. The council will regulate gambling with integrity in the public interest.
- 1.5 The council is committed to avoid duplication with other legislation and regulatory regimes as far as possible, and will not replicate issues in this policy which are already legal requirements under other legislation such as health and safety and fire precautions.
- 1.6 This policy has been developed having regard to the statutory guidance from the Gambling Commission and will give appropriate weight to the views of persons and organisations consulted.
- 1.7 The Council delegates all functions under the Act to the Licensing Committee, except those functions which by law must be dealt with by the Council as a whole, such as fee levels and the approval of this policy statement.
- 1.8 Section 349 of the Act requires the Licensing Authority to publish a statement of principles that we will apply in exercising our functions under the Act. This statement fulfils that statutory requirement.
- 1.9 This statement of Policy will be applied for a period not exceeding 3 years from 31 January **2016** and during that time will be kept under review and revised when and if appropriate.
- 1.10 This document should be read in conjunction with the Act, Regulations made under the Act and Guidance issued by the Gambling Commission. This statement is designed to be a strategic gambling policy, not an operational guide to the Act.
- 1.11 In exercising its functions under the Gambling Act 2005, Adur District Council, as a licensing authority, will have regard to the statutory licensing objectives, which 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**

1.12 The council is aware that Section 153 of the Act requires the licensing authority, in making decisions concerning premises licences, and temporary use notices, to aim to permit the use of premises for gambling in so far as it is:

a. In accordance with any relevant code of practice under s.24.

b. In accordance with any relevant guidance issued by the Gambling Commission under s.25.

c. reasonably consistent with the licensing objectives (subject to a and b above)

d. In accordance with this Statement of Licensing Policy (subject to a - c above).

1.13 Nothing in this policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in this policy will undermine the right of any person to make representations on an application, or seek a review of a licence where there is a legal power to do so.

1.14 Previous legislation required that the grant of certain gambling permissions should take account of whether there was an unfulfilled demand for gambling facilities. We acknowledge that under this legislation, unmet demand is not a criterion for a Licensing Authority when considering an application.

1.15 The council appreciates that gambling can be an emotive subject but acknowledge that in accordance with Gambling Commission Guidance for Local Authorities, “moral objections to gambling are not a valid reason to reject applications for premises licences”, except in respect of a Casino resolution in Section 13, and also that unmet demand is not a criterion for a Licensing Authority to consider.

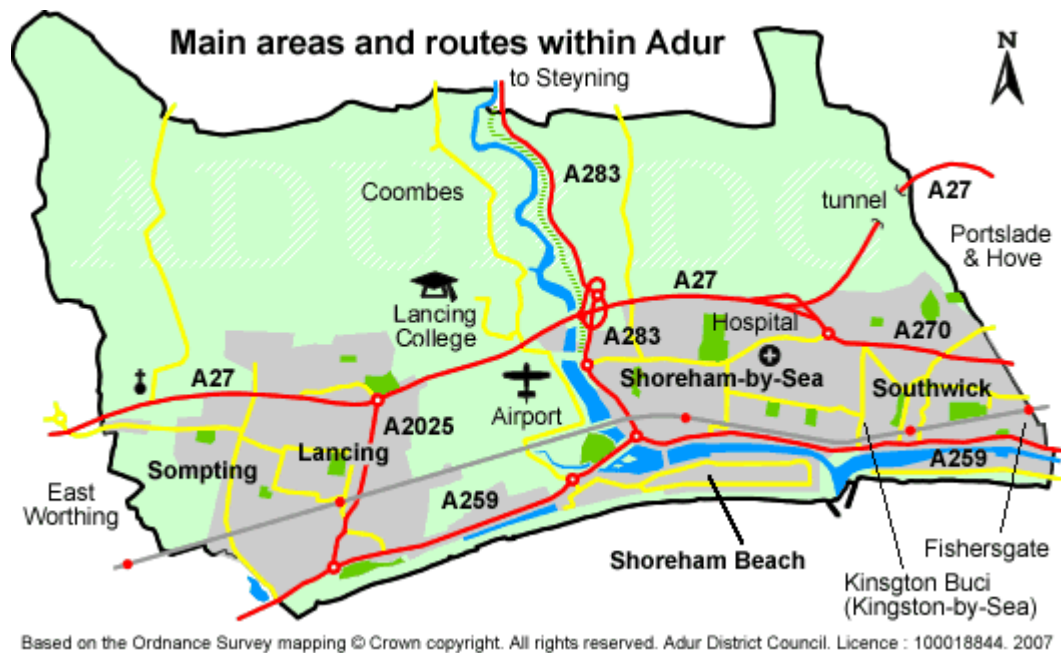
1.16 The council will therefore consider any application in accordance with the Act, on its individual merits without regard to demand or moral objection to gambling in general.

2 A Profile of Adur

2.1 Adur District Council is situated in the County of West Sussex and is one of 7 Councils within the County. Adur has an estimated population of approximately 58,500.

2.2 The District covers an area of 4,159 hectares and is a coastal authority and comprises light industrial, commercial and residential centres, including Brighton City Airport (formally Shoreham Airport) and part of the Port of Shoreham. The main centres being Lancing, Sompting, Shoreham-by-Sea and Southwick.

- 2.3 Adur District Council and Worthing Borough Council are served by a single officer structure, known as Adur & Worthing Council Services. However, they remain separate Licensing Authorities with separate licensing policies that reflect the needs and aspirations of those living and working within their own areas.



3 The Statement of Licensing Policy and Consultation

- 3.1 Adur District Council is required by the Gambling Act 2005 to publish a statement of the principles that we propose to apply when exercising our functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be re-published.
- 3.2 This draft statement of policy is published to ensure that we consult widely upon our policy statement before finalising and publishing it. A list of the persons we have sent this document to is shown in **Appendix A**.
- 3.3 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the 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
- 3.4 This policy was first published in 2007. This latest version of the policy contains the minimum of amendments to accommodate the changes made to the Guidance to the Act issued by the Gambling Commission and no changes to the intent or

direction of the policy are included. Because it contains only minor amendments consultation of the authorities and public was limited to a period of three weeks between 15 October 2012 and 2 November 2012.

3.5 The full schedule of comments and amendments consequential to the consultation will be available by request to the Licensing Unit, Adur District Council or downloadable from the website at www.adur-worthing.gov.uk

3.6 This policy will be subject to approval at a meeting of the full Council following consultation and consideration of any representations by the Licensing Committee on this version.

4 Declaration

4.1 In producing the final licensing policy statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

5 Responsible Authorities

5.1 Adur District Council is required by regulations to state the principles that we will apply in exercising our powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

5.2 The principles we will use are:

- 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.

5.3 In accordance with the Gambling Commission's Guidance for Licensing Authorities, the West Sussex Area Child Protection Committee, West Sussex County Council has been designated for this purpose.

5.4 This body has County wide responsibility, is subject to democratic accountability and is currently the body that has become a responsible authority under the Licensing Act 2003.

5.5 The Responsible Authorities under the Gambling Act 2005 are:

- Adur District Council Licensing Authority
- The Gambling Commission
- The Chief Constable, Sussex Constabulary
- West Sussex Fire and Rescue Service Authority
- Adur District Council as Local Planning Authority
- Adur District Council as the authority having functions in minimising or

preventing harm to the environment or harm to health (Environmental Health Section)

- West Sussex Area Child Protection Committee, WSCC Social Services Section
- H.M. Revenue & Customs

subject to any other person being prescribed in Regulation by the Secretary of State.

6 Interested Parties

6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, 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)”

6.2 The council is required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party.

6.3 The council has adopted the principles of natural justice and will decide each case on its merits. Rigid rules will not be applied to decision making but local knowledge and integrity will be brought to bear for each decision.

6.4 Examples of consideration provided in the Gambling Commission’s Guidance to Licensing Authorities will be used and the term, “has business interests “will be given the widest possible interpretation and should include partnerships, charities, faith groups and medical practices.

6.5 Interested parties include trade associations, trade unions, residents and tenants associations. However, the council will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the provisions of the Act detailed at Paragraph 6.1 (a) or (b) above.

6.6 Interested parties under Paragraph 6.1 (c) above can be persons who are democratically elected such as a ward Councillor, M.P. etc. No specific evidence that this person represents an interested party will be required as long as the Councillor / M.P. etc. represents the ward likely to be affected. Other than this, the council will require any other person acting under Paragraph 6.1 (c) above to be nominated in writing by the appropriate interested parties at Paragraph 6.1 (a) or (b) above.

6.7 When considering whether persons are interested parties in relation to any individual application the following will be considered:

- size of the premises;
- nature of the premises;
- distance of the premises from the location of the person making the representation;
- potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- nature of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for us to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
- Persons with business interests that could be affected

6.8 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. Applicants should contact the Licensing Unit at Adur & Worthing Councils Services in the first instance rather than approach their Councillor directly.

6 Exchange of Information

7.1 The council is required to include the principles to be applied by the authority in exercising their functions under sections 29 and 30 of the Act with respect to the exchange of information between ourselves and the Gambling Commission, and their functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

7.2 This licensing authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, and will not contravene the Data Protection Act 1998 and will comply with the Freedom of Information Act. In the interests of transparency and natural justice, only open representations will be considered. Where a closed representation is made, and consequently would not be considered, the council will, nevertheless, encourage the respondent to review the status of their representation to allow it to be open, so that decisions can be made in the light of the best possible information and comment

7.3 Regard will be given to any Guidance issued by the Gambling Commission to Licensing Authorities, as well as to any future relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

7.4 Should any protocol on information exchange be established in the future, such protocols will be made publicly available.

7 Enforcement

8.1 Licensing authorities are required by regulation under the Gambling Act 2005 to

state the principles to be applied by the authority in exercising their functions under Part 15 of the Act with respect to the inspection of premises, and their powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 8.2 This licensing authority's enforcement policy will 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; and
 - Targeted: regulation should be focused on the problem, and minimise side effects
- 8.3 This licensing authority will also, as recommended in the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme.
- 8.4 This authority will make available the criteria used for risk-based inspections on request.
- 8.5 The main enforcement and compliance role for this licensing authority will be to ensure compliance with the Premises Licences and other permissions which it authorises.
- 8.6 The Gambling Commission is the enforcement body for Operator and Personal Licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission for investigation.
- 8.7 This licensing authority will also keep itself informed of developments regarding the work of the Department or Business Innovation and Skills (BIS) & the Local Better Regulation Office (LBRO) in its consideration of the regulatory functions of local authorities.
- 8.8 The council will strive to adopt best practice in the way the Gambling Act 2005 is administered and enforced. Due regard will be given to the Regulatory Compliance Code and any other published sources of good practice including those published by the Local Authorities Coordinators of Regulatory Services (LACORS).
- 8.9 Protocols will be sought with other interested agencies to ensure that administration and enforcement are undertaken as efficiently and effectively as possible, avoiding unnecessary duplication.
- 8.10 Businesses with multiple outlets will be encouraged to nominate a single, senior managerial point of contact, which the licensing authority will normally consider as the first point of communication on compliance or other related issues.
- 8.11 Bearing in mind the principle of transparency, this licensing authority's

enforcement/compliance protocols/written agreements/risk assessments will be available upon request to the Environmental Health Manager, Adur & Worthing Councils Services or may be viewed on our website.

- 8.12 Prosecution will only be commenced in accordance with the sufficiency of evidence and public interest criteria referred to in the Prosecution of Offences Act 1985 and the Division's enforcement policy

9 Licensing Authority functions

- 9.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see Section 7 above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

- 9.2 In accordance with the Act and Guidance, this authority will:

- Refer the decision whether to make a resolution not to issue casino licences within the District to full Council.
- Refer approval of this three-year licensing policy to full Council
- Refer any delegated power to set fees to the Licensing Committee
- Delegate all decisions relating to premises licences to the Licensing Committee
- Be committed to ensure that decisions are made at the most appropriate level to allow the proper and careful consideration of applications etc, but allow a speedy, effective and efficient process. To further this, we invite the Licensing Committee to further delegate decision making to any sub-committee(s), if permitted in the Constitution, and/or officers in having regard to the Gambling Commission's guidance.

PART B

10 Premises Licences

General Principles

- 10.1 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre premises
 - family entertainment centre premises
- 10.2 By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to existing casino licences (but not 2005 Act casinos) and betting premises licences. The latest issue of the Licence Conditions and Codes of Practice sets out in full the requirements on operators. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.
- 10.3 From time to time, the Commission publishes advice notes which whilst they are not legally binding are designed to assist in the understanding of matters such as primary gambling activity. These are updated in light of experience and innovation. The council will refer to these for assistance in establishing compliance with primary gambling activity requirements.
- 10.4 Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as to specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State.
- 10.5 The licensing authority may exclude default conditions and attach other conditions, when considered appropriate.
- 10.6 The licensing authority, in making decisions about premises licences shall aim to permit the use of premises for gambling in so far as 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 this statement of licensing policy
- 10.7 Whilst accepting that gambling can be an emotive subject, in accordance with Gambling Commission Guidance for Local Authorities, moral objections to gambling shall not be a valid reason to reject applications for premises licences. Except in respect of a Casino resolution, that unmet demand is not a criterion for a Licensing Authority.

- 10.8 Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premise at different times. It is however possible for a single building to be subject to more than one premises licence, providing that each licence is for a different part of the building and such different parts can reasonably be regarded as different premises.
- 10.9 Judgement will be reached as a matter of fact as to whether different parts of a building can be properly regarded as separate premises.
- 10.10 Areas of a building that are artificially or temporarily separate will not normally be regarded as different premises.
- 10.11 In accordance with Gambling Commission’s Guidance, this local authority will:
- .take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
 - pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Specific issues will be considered before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and the ability to comply with the requirements of the Act. But in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 10.12 A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling, that is, not to premises still under construction.
- 10.13 Subject to future case law, the council agrees with the interpretation that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the Licensing Authority can, if necessary, inspect it fully, as can other responsible authorities, with inspection rights under the Act.
- 10.14 Questions of demand cannot be considered in relation to the location of premises but considerations made in terms of the licensing objectives can be.
- 10.15 Particular attention will be given to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 10.16 This authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be adopted, as a result of consultation or otherwise, regarding areas where gambling premises

should not be located, this policy statement will be updated.

- 10.17 Any such future policy will not preclude any application being made, and each application will be decided on its merits, with the onus being on the applicant to show how any potential concerns can be addressed.
- 10.18 This authority will seek to avoid any duplication with other statutory or regulatory systems, including the statutory planning regime.
- 10.19 This Council acting as a licensing authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval when considering an application for a Premises Licence.
- 10.20 This authority will however, carefully consider any concerns about licensing conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 10.21 The Local Planning Authority are a responsible authority under this Act and have the opportunity to make representations should they desire, otherwise the two regimes will be properly separated.
- 10.22 Premises licences granted must be reasonably consistent with the licensing objectives. In promoting these objectives, we have considered the Gambling Commission's Guidance to local authorities and make the following observations in respect of each licensing objective:

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

Whilst the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, this licensing authority will take account of the proposed location of gambling premises in terms of this licensing objective.

Therefore, where an area has known high levels of organised crime, careful consideration will be given as to whether gambling premises are suitable to be located there and whether conditions may be required, such as the provision of door supervisors. Responsible authorities would however have the right to make representation with regard to such premises.

We are aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. It should be noted that nuisance is not a Gambling Act licensing objective.

In considering licence applications, the Council will take into account the following:

- Design and layout of the premises;
- Training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include the position of cash registers or the standard of CCTV that is installed;

- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- Likelihood of any violence, public order or policing problem if the licence is granted.

(ii) Ensuring that gambling is conducted in a fair and open way

The Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed by the operator and the personal licensing system. It is acknowledged that there is a greater role for the Licensing Authority in track gambling which is explained in Section 16 below.

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

- This objective relates to preventing children from taking part in gambling as well as the restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children.
- We will consider, whether specific measures are required at individual premises to promote this licensing objective.
- Appropriate measures may include supervision of access points, segregation of areas etc.
- We will also take account of the Codes of Practice regarding this objective in relation to specific types of premises.
- At present there is no statutory definition of “vulnerable persons” but the Gambling Commission states that for regulatory purposes it will assume that this group includes
 - people who gamble more than they want to;
 - people who gamble beyond their means; and
 - people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
- This licensing authority will consider this licensing objective on a common sense, case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Conditions on Premises Licences

10.23 Any conditions we attach to licences 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.

10.24 Decisions on individual conditions will be made on a case by case basis, although there will be a number of control measures this licensing authority will consider utilising should there be a perceived need, such as;

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

10.25 There are specific observations made in this regard under each of the licence types below. This licensing authority will also expect the licence applicant to offer their own suggestions as to how the licensing objectives can be met effectively.

10.26 The council will also consider specific measures for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, segregation of gambling and non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, to promote the licensing objectives, in accordance with Gambling Commission Guidance.

10.27 We will also ensure that where Category A to C gaming machines are on offer in premises to which children are admitted, (other than premises licensed for the supply of alcohol under the Licensing Act 2003) ;

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier and 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 these 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 years of age.

10.28 These considerations will apply to premises including buildings where multiple premises licences are applicable.

10.29 The council is aware that tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.

10.30 In accordance with the Gambling Commission's Guidance, the council will consider the impact upon the third licensing objective and the need to ensure that the entrances to each type of premises are distinct from each other and that children are excluded from gambling areas where they are not permitted by law or condition, to enter.

10.31 The licensing authority is prevented by law from attaching to premises licences any of the following conditions:

- any condition on the premises licence 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 and this provision prevents it being reinstated) and

- conditions in relation to stakes, fees, winning or prizes

10.32 This licensing authority may consider whether there is a need for door supervisors to achieve the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also to prevent premises becoming a source of crime.

10.33 The Gambling Act 2005 amended the Security Industry Act so that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority.

10.34 This licensing authority will therefore impose specific requirements for door supervisors working at casinos or bingo premises. These are that a book is maintained in which is recorded each day;

- the identity of the door staff deployed
- the time they commenced duty and left duty, and
- any incidents that they dealt with

Such a book shall be maintained and available for inspection for a period of 3 months from the date of the record entry.

10.35 This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive, young and vulnerable persons, etc.

10.36 For premises other than casinos and bingo premises, premises operators and the Licensing Authority may decide that supervision of entrances / exits / gaming machine areas is appropriate for particular cases but each case will have to be considered to establish whether such supervisors need to be S.I.A. licensed.

11 Adult Gaming Centres

11.1 This licensing authority, having regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, will expect applicants to satisfy the authority that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the premises.

11.2 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for support organisations such as GamCare This list is neither mandatory nor exhaustive

12 (Licensed) Family Entertainment Centres

12.1 Having regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, the applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that persons under 18 year of age do not have access to any adult only gaming machine areas.

12.2 The council will expect applicants as part of their application to initially offer their own measures to promote the licensing objectives. Appropriate measures / 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 information leaflets / helpline numbers for support organisations such as GamCare
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is neither mandatory nor exhaustive

12.3 The council will refer to the Gambling Commission's guidance, and be aware of any conditions that apply to operating licences covering the way in which the area containing the Category C or higher machines, should be delineated.

12.4 This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

13 Casinos

Proposal for a casino

13.1 This licensing authority does not have an existing licensed casino within the District and has not submitted a proposal for a premises licence for any new type of casino to the Independent Casinos Advisory Panel.

No casino resolution

13.2 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.

13.3 Any person is welcome to submit a written observation on this issue in response to this consultation version of our Policy statement.

Casinos and competitive bidding

13.4 This licensing 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 2005) there are likely to be a number of operators who will want to run the casino.

13.5 Should these circumstances arise, we will address the matter by running a 'competition' in line with any future Regulations and/or Code of Practice under the Gambling Act 2005.

Betting machines

13.6 It is necessary that the difference between a gaming machine and a betting machine is understood. A machine is not a gaming machine if it is designed or adapted for use to bet on future real events.

13.7 Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These "betting machines" are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits.

13.8 Such betting machines merely automate a process which can be conducted in person and therefore do not require regulation as a gaming machine.

13.9 However, where a machine is made available to take bets on virtual races, that machine becomes a gaming machine, counting towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

13.10 Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino).

13.11 In accordance with the Gambling Commission's Guidance for local authorities, the council will take into account;

- size of the premises
- number of counter positions available for person-to-person transactions, and,
- ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

When considering the number / nature / circumstances of betting machines that a casino operator wishes to offer.

14 Bingo Premises

14.1 Where children are allowed to enter premises licensed for bingo, they should not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, this licensing authority will apply conditions 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 these 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 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.

14.2 It is noted that under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.

14.3 The imposition of the restrictions that apply to such premises in the codes of practice that are published on the Gambling Commission's website will be considered and the guidance issued on particular issues will be taken into account in relation to the suitability and layout of bingo premises.

15 Betting Premises

- 15.1 The Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing. This Section of the policy discusses off-course betting, that is betting that takes place other than at a track in what is currently known as a licensed betting office. Tracks are discussed in the following Section. It should be noted that there are also betting offices on tracks, which have separate premises licences from the track licence.
- 15.2 Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino).
- 15.3 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council will, amongst other things, take into account the size of the premises, the number of counter positions available for person-to person transactions, and the ability of staff to prevent the use of the machines by children and young persons (it is an offence for those under 18 to bet or by vulnerable persons.”

16 Tracks

- 16.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and general betting, often known as “fixed-odds” betting.
- 16.2 There is no special class of betting premises licence for a track, but the Act does contain rules which apply specifically to premises licences granted in respect of a track.
- 16.3 Special rules apply to applicants for a premises licence in relation to a track. Most importantly, as noted above, the applicant needs not hold an operating licence. That is because, unless the occupier of the track wishes to offer pool betting (or general betting) facilities himself (for which he will need a licence), the betting that is provided upon the track will not be provided by him, but will be provided by other operators who come on-course. Since those people will require the necessary operating licences, the Act allows the track operator to obtain a premises licence without also having to hold an operating licence. This track premises licence then authorises anyone on the premises with an operating licence to offer betting facilities.
- 16.4 The council recognises that tracks are different from other premises in that there may be more than one premises licence in effect, each covering a specified area of the track. In accordance with the Gambling Commission guidance, this authority will especially consider the impact of the third licensing objective.
- 16.5 There may be some specific considerations with regard to the protection of children

and vulnerable persons from being harmed or exploited by gambling and the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling or betting areas which they are not permitted to enter.

- 16.6 The council will expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities.
- 16.7 Children and young persons will by law be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 16.8 Appropriate licence conditions may be:
- Proof of age schemes
 - CCTV
 - Door supervisors
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - The location of gaming machines
 - Self-barring Schemes
 - Provision of information leaflets / helpline numbers for organisations such as
 - GamCare

This list is neither mandatory nor exhaustive

Gaming Machines on Tracks

- 16.9 This licensing authority will consider the location of gaming machines at tracks. Applicants for licences at tracks will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use the entitlement to 4 gaming machines, the machines will be located in areas from which children are excluded. Children and young persons will not however be excluded from playing Category D gaming machines on a track.

Betting machines

- 16.10 Licensing authorities have a power under the Gambling Act 2005, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.
- 16.11 In relation to betting premises away from tracks, the licensing authority will take into account the size of the premises and the ability of staff to monitor the use of machines by vulnerable people when determining the number of machines permitted.
- 16.12 Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable. Significant problems in relation to the ability of

track staff to supervise machines if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on machines, may arise.

16.13 This licensing authority will consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.

16.14 This licensing authority's preferred policy is for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, thus ensuring clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Condition on rules being displayed

16.15 This licensing authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

Applications and plans

16.16 Regulations dictate specific requirements for applications for premises licences. To ensure this authority has a proper understanding of what exactly an application is seeking applicants are urged to submit detailed plans of the track itself and the area that will be used for temporary betting (often referred to as the "betting ring"). In the case of dog tracks and horse racecourses, fixed and mobile betting facilities operated by the Tote or track operator, as well as any other proposed gambling facility.

16.17 Plans should make clear what is being sought for authorisation under the track betting premises licence application, and any other areas that are subject to an application for a different type of premises licence.

16 Travelling Fairs

17.1 The licensing authority is required to decide, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

17.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

17.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it 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. This licensing authority will work with its neighbouring authorities to ensure that any land which crosses our boundaries is monitored so that the statutory limits

are not exceeded.

18 Provisional Statements

- 18.1 This licensing authority notes the Gambling Commission's Guidance which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".
- 18.2 In terms of representations about premises licence applications, 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. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or
 - (b) which is in the authority's opinion reflect a change in the operator's circumstances.
- 18.3 This authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

19 Reviews

- 19.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review, which is essentially a request by a third party to the licensing authority to review a particular licence.
- 19.2 Section 200 of the Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers may be involved in the initial investigation of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted, but the review itself, if necessary, will be heard by elected members.
- 19.3 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried-out.
- 19.4 An application for a review may be (but need not be) rejected if the licensing authority thinks that the grounds on which the review is sought:
- (a) are not relevant to the principles that must be applied by the licensing authority in accordance with section 153.

If the application raises issues that are not relevant to the Commission guidance/codes of practice, this policy statement, or the licensing objectives, then we may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that we are required to permit the use of premises for gambling in so far we think that permission is in accordance with the matters set out in that section.

Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;

- (b) are frivolous;
- (c) are vexatious;
- (d) “will certainly not” cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- (e) are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we will take into account how much time has passed since the earlier application, in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
- (f) are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances we will take into account the period of time that has passed since the representations were made, but the underlying requirement is that we should not review the licence on the basis of the same arguments considered on the grant of the premises licence.

PART C

20 Unlicensed Family Entertainment Centre gaming machine permits

- 20.1 Family entertainment centres (FECs) will perhaps be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons.
- 20.2 Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit. Permits cannot be issued to vessels or vehicles.
- 20.3 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this 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 as required by Section 238.
- 20.4 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed FEC and, if the applicant is an individual, he must be aged 18 or over. Applications for a permit cannot be made if a premises licence is in effect for the same premises.
- 20.5 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 20.6 In any statement of principles in relation to unlicensed FEC's we will give weight to child protection issues.
- 20.7 The Guidance also states: "...An application for a permit may be granted only 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....Licensing authorities might wish to consider asking 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 are trained to have a full understanding of the maximum stakes and prizes. (24.7)
- 20.8 A licensing authority can grant or refuse a permit but cannot attach conditions to this type of permit.
- 20.9 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not

limited to harm from gambling but includes wider child protection considerations.

- 20.10 The effectiveness of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises
- 20.11 Except as detailed at 20.9 and 20.10 above, this licensing authority has not currently adopted any further policy to be placed in a Statement of Principles. Should one be issued it will be available from the Licensing Unit.
- 20.12 Potential applicants and other interested persons are advised to check with the Licensing unit as to whether a policy has been adopted. Any adopted policy will be incorporated into permit application packs from this Authority.

21 Alcohol) Licensed premises gaming machine permits

- 21.1 There is provision in the Act for premises licensed under the Licensing Act 2003 for the sale of alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. Licence holders merely need to notify the licensing authority.
- 21.2 The licensing authority can remove the automatic authorisation in respect of any particular premises 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.
- 21.3 Where a premises licence holder wishes to have more than 2 machines, they need to apply for a permit. The licensing authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and such matters as we consider relevant.
- 21.4 This licensing authority considers that “such matters” will be decided on a case by case individual basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the 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 machines.
- 21.5 Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor

that the machines are not being used by those under 18. Notices and signage on the machines or in the premises may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 21.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would normally need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 21.7 It should be noted that we as the licensing authority can 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 to a permit.
- 21.8 It should also be noted that 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.

22 Prize Gaming Permits

- 22.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose, to consider in determining the suitability of the applicant for a permit”.
- 22.2 This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- understanding of the limits to stakes and prizes that are set out in Regulations
 - that the gaming offered is within the law.
- 22.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 22.4 It should be noted that there are conditions in the Gambling Act 2005 which the permit holder must comply with, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated at 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 at 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.

23 Club Gaming and Club Machines Permits

- 23.1 Bona fide members clubs and miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit.
- 23.2 The 'Club Gaming Permit' will enable the premises to provide 3 gaming machines of categories B, C or D, equal chance gaming and games of chance as set-out in regulations still to be published.
- 23.3 A 'Club Gaming Machine Permit' will enable the premises to provide 3 gaming machines of categories B, C or D.
- 23.4 Gambling Commission Guidance states: "Members clubs must have at least 25 members and 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 cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968.
- 23.5 A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 23.6 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) 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;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 23.7 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).
- 23.8 As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under this process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming

- prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

23.9 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.

24 Temporary Use Notices

24.1 Part 9 of the Act sets out the position in relation to temporary use notices. These 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 would include hotels, conference centres, and sporting venues.

24.2 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given.

24.3 In consideration of Temporary Use Notice applications, the council will apply the Gambling Commission Guidance which states:

"In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, the licensing authority will need to consider whether different units are in fact different "sets of premises", given that they may be occupied and controlled by different people. This is a new permission and licensing authorities should be ready 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."

25 Occasional Use Notices

- 25.1 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

APPENDIX A

SCHEDULE OF CONSULTEES TO THIS POLICY STATEMENT

SCHEDULE OF RESPONSIBLE AUTHORITIES

- Adur District Council as Licensing Authority
- The Gambling Commission
- The Chief Constable, Sussex Constabulary
- West Sussex County Council Fire and Rescue Authority.
- Adur District Council as Local Planning Authority
- Adur District Council as an authority having functions in minimising or preventing harm to the environment or harm to health - Environmental Health Section
- H.M. Revenue and Customs

APPENDIX B

SUMMARY OF SOME TERMS UNDER THE GAMBLING ACT 2005

These pages are not part of the consultation process, as the definitions will be set nationally, but are included in the consultation version of this document to assist the reader. This document should be read in conjunction with the Gambling Act 2005 (the Act) and Gambling Commission Guidance to Local Authorities.

CATEGORIES OF CASINO

Casino games are defined by the Act to mean a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.

TYPE OF CASINO	REQUIREMENTS
Regional	Minimum customer area of 5000 M ² . Casino games, bingo and betting, and up to 1250 gaming machines
Large	Minimum customer area 1500 M ² . Casino games, bingo and betting, and up to 150 gaming machines
Small	Minimum customer area of 750 M ² . Casino games and betting, and up to 80 gaming machines

CATEGORIES OF GAMING MACHINE

This Table sets out the current proposals for the different categories with the maximum stakes and prizes that apply. This could be subject to change

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A (None currently permitted)	Unlimited	Unlimited
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30P	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize (other than a coin pusher or penny falls machine)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

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

NUMBER OF GAMING MACHINES BY PREMISES TYPE

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

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 eight¹⁰⁷ 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.

BINGO

Bingo has no statutory definition. It is to have its ordinary and natural meaning. Under the previous legislation, two types of bingo could be offered:

cash bingo, where the stakes paid made up the cash prizes that were won; or prize bingo, where various forms of prizes were won, not directly related to the stakes paid.

Traditionally, cash bingo was the main type of bingo played in commercial bingo halls (Part II of the Gaming Act 1968). They could also offer prize bingo, largely as interval games (section 21 of the 1968 Act). Under the 2005 Act, the distinction between these two versions of the game is being abolished for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms.

Apart from commercial bingo halls, prize bingo is traditionally a game played in arcades, especially seaside amusement arcades, or travelling funfairs. For these operators, prize bingo is being subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, and travelling fairs, (or any premises with a prize gaming permit) will be able to offer prize gaming, which includes prize bingo.

In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming.

ADULT GAMING CENTRES

Adult gaming centres (AGCs) are a category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. They will be able to make category B, C and D gaming machines available to their customers.

Although the term “adult gaming centre” has been commonly used in relation to some premises with licences under section 34 of the Gaming Act 1968, such as amusement arcades, this is perhaps a misleading description. Arcades licensed by virtue of section 34 are not permitted to have machines that are the equivalent of category B machines, nor is there a statutory ban on children and young persons entering the premises (though most arcades located in city centres choose not to admit under-18s).