



Communities Directorate

Friday 18 July 2014

Licensing and Control Committee 'B'

Date: 28 July 2014

Time: at the conclusion of LCC 'A'

Venue: Gordon Room, Town Hall, Worthing

Committee Membership: Councillors: Paul high (Chair), Mark Nolan (Vice-Chair), Roy Barraclough, Keith Bickers, Callum Buxton, Diane Guest, Paul Howard, Kevin Jenkins, Sean McDonald, Dr Heather Mercer, Louise Murphy, Luke Proudfoot, Norah Fisher, James Doyle, Susan Jelliss

Agenda

Part A

1. Declarations of Interest / Substitute Members

Members and Officers are invited to make any declarations of disclosable pecuniary interests that they may have in relation to any items on this Agenda. The declaration should refer both to the nature of the interest as well as its existence.

Members and Officers may seek advice upon any relevant interest from a Legal or Democratic Services Officer prior to the meeting.

Any substitute members should declare their substitution if appropriate.

2. Public Question Time

To receive any questions from Members of the public in accordance with Standing Order 3.12.

(Note: Public Question Time will last for a maximum of 15 minutes)

3. Gambling Policy

To consider a report by the Director for Customer Services, copy attached as item 3

Part B - Not for Publication – Exempt Information Reports

For Democratic Services enquiries relating to this meeting please contact:

Chris Cadman-Dando
Democratic Services Officer
01903 221364
chris.cadman-dando@adur-worthing.gov.uk

For Legal Services enquiries relating to this meeting please contact:

Michele Wilkinson
Solicitor
01903 221086
michele.wilkinson@adur-worthing.gov.uk

Gambling Act 2005 - Review of Statement of Licensing Policy

Report by the Director of Customer Services

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 policy for adoption by full Council on 21 October 2014.
- 1.2 Only minor changes to the policy are incorporated. The amendments to the policy are limited to the updating of the tables on pages 14, 15 & 16 and some minor changes to incorporate name and date changes marked 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 Worthing Borough Council's current statement of Licensing Policy under the Gambling Act 2005 was endorsed by this committee and subsequently approved by the council back in 2011 and 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.

3.0 Consultation

- 3.1 This latest 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 three weeks between 5 April and 25 April 2014.

3.2 Following consultation, only two responses were received. These were from Sussex Police and West Sussex Fire & Rescue Service, who both declined to raise a representation and did not consider any further amendments to the policy necessary.

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. These were to incorporate amendments made to the latest edition of the Gambling Commission's Guidance to the act centred on Gaming Machine categories.

4.4 None of the minor changes made are considered to change the spirit or direction of the policy. The introduction of the Gambling Act 2005 was an extremely smooth transition to the new regime administered by 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.

5.0 Legal

5.1 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..2 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.

5.3 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.

5.4 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.

5.5 Only full Council can approve the formulation of the licensing policy, as section 154(2) (c) of the act specifically prohibits the delegation of this function. However there is nothing to prevent Council taking into consideration any recommendations made by the Licensing Committee.

5.6 The licensing policy has to be published every three years pursuant to the requirements of s349 of the act. However there is no bar to more frequent reviews of the policy and changes being made to the policy if they are thought to be necessary. Any significant changes to the legislation could result in the policy being reviewed.

6.0 Implications

6.1 There are no significant equal opportunities, direct race relations 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 Gambling Licensing Policy under the Gambling Act 2005.

Jane Eckford
Director of Customer Services

Principal Author and Contact Officer:

Simon Jones

Senior Licensing Officer - Tel: 01273 263191 or simon.jones@adur-worthing.gov.uk

Commerce Way, Lancing

Ref: SJ/Lic.U/WBC Street Trading Policy

Date: 28 May 2014.

Background Papers:

- Gambling Act 2005
<http://www.legislation.gov.uk/ukpga/2005/19/contents>
- Guidance issued to Licensing Authorities (Sept 2012)
http://www.gamblingcommission.gov.uk/shared_content_areas/publications_2012/gla.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
Worthing Borough Council's Draft Statement of Gambling Licensing Policy
2014

RESPONSIBLE AUTHORITIES

- Worthing Borough 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
- Caroline Perry – Legal Services
- Gary Cushing - Environmental Health Manager
- Jacqui Cooke - Community Safety Manager

LICENSING & CONTROL COMMITTEE MEMBERS

- Christine Brown
- David Chapman
- Diane Jones
- John Rogers
- Keith Bickers
- Michael Donin
- Nicky Waight
- Noel Atkins
- Norah Fisher
- Paul Howard
- Roger Oakley
- Roy Barraclough
- Val Turner
- Vic Walker
- Vicky Vaughan

Worthing Borough Council



GAMBLING ACT 2005 DRAFT STATEMENT OF GAMBLING LICENSING POLICY

Draft 2 : May 2014



DRAFT STATEMENT OF GAMBLING LICENSING POLICY

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1. INTRODUCTION

- 1.1 This Policy Statement is produced in accordance with the requirements of the Gambling Act 2005 (the Act), the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Gambling Commissions guidance to Local Authorities (Sept 2012). The Statement sets out the principles the Council will apply when carrying out its gambling licensing functions. In preparing this Statement the Council has consulted widely with statutory bodies, stakeholders and members of the public. This policy will be operational from **21 October 2014**.
- 1.2 Worthing is situated in the County of West Sussex which contains seven Councils in total; Worthing is a compact urban seaside borough. It is one of the largest towns in West Sussex with a population of around 100,000, covering an area of 3300 hectares. 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.
- 1.3 Under the provisions of the Act the Gambling Commission is responsible for determining applications for Operating Licences and Personal Licences, whilst the Council is responsible for determining applications for Premises Licences and Permits.
- 1.4 In accordance with Section 153 of the Act the presumption should be for the Council to permit the use of a premise for gambling, provided that this is consistent with paragraphs 1.5 and 1.6 below, and with the remainder of this Policy Statement. Each application will be considered on its own merits.
- 1.5 In exercising its functions the Council will have regard to the licensing objectives set out in Section 1 of the Act:
- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - b) Ensuring that gambling is conducted in a fair and open way, and
 - c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.6 The Council will also give due regard to any relevant guidance or code of practice issued by the Gambling Commission.
- 1.7 Under the 2005 Act the Council has a legal duty to review its statement of policy at intervals of at least every 3 years and will seek to obtain consensus regarding the main elements of this policy amongst stakeholder groups, to provide partnership working to achieve high standards and good practice.

2. CONSULTATION

- 2.1 There are a number of groups who have a stake in the gambling industry, including providers, customers, residents and enforcers, all who have views and concerns that require consideration as part of the gambling licensing function.
- 2.2 Before publishing the original Policy Statement in 2006, the Council consulted with the Gambling Commission, HM Revenue & Customs, Sussex Police, West Sussex Fire & Rescue Service, the members of the Adur & Worthing Safer Communities Partnership, Head of Child Protection at West Sussex County Council, The Drug & Alcohol Action Team and the Head of Community Safety at West Sussex County Council and bodies representing local holders of premises licences, personal licences, businesses and residents in the Borough.

These organisations and individuals were subsequently consulted when the policy was reviewed in 2008 and 2010. This latest 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 on this occasion has been limited to the responsible authorities and public and for a limited period of three weeks between 5 April and 25 April 2014.

- 2.3 The Council recognises that proper weight needs to be given to the views of all the persons/bodies consulted before this Policy Statement takes effect on **21 October 2014**. It will remain in force for a period of not more than three years and will be subject to review and further consultation prior to **21 October 2017**.

3. LICENSABLE ACTIVITIES

- 3.1. This policy related to all those licensable premises, notices, permits and registrations falling within the provisions of the Act including:
- Casinos
 - Bingo premises
 - Betting premises
 - Tracks (Horse and Dog)
 - Adult Gaming Centres
 - Family entertainment centres
 - Club gaming permits
 - Prize gaming permits
 - Licensed premises gaming machine permits
 - Small society lotteries
 - Temporary use notices

4. THE LICENSING OBJECTIVES

Crime and Disorder

- 4.1 The Council places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over licensed premises.
- 4.2 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, the Guidance issued by the Gambling Commission and this policy. The Council will give "due regard" to all possible implications and its Licensing & Control Committee will always consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.
- 4.3 Applicants are encouraged to discuss their proposals with the appropriate responsible authorities before making a formal application.
- 4.4 When considering licence applications the Council will particularly take into account the following:-
- The location of the premises
 - The design and layout of the premises
 - The adequacy of security features such as CCTV
 - Where premises are subject to age restrictions, the procedure in place to conduct age verification checks
- 4.5 The Council will consider carefully the views of the Police as to whether specific controls need to be applied to prevent a premise from being a source of crime and disorder.

Ensuring Gambling is conducted in a Fair and Open Way

- 4.6 The Council notes that the Gambling Commission does not generally expect local authorities to become involved in this objective as such matters will normally relate to the operation of the business, and therefore subject to the Operating Licence, to the actions of an individual, and therefore subject to the Personal Licence. The matters will therefore generally fall within the Commission's remit. The Council will seek to establish effective channels for the exchange of information with the Commission to ensure that intelligence is shared appropriately.

Protecting Children and other Vulnerable Persons from Being Harmed or Exposed

- 4.7 The Council notes from the Commission guidance that, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises or parts of premises which are adult only environments.

- 4.8 The Council may seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 4.9 The Council may consult with West Sussex Child Protection Agency on any application that may give cause for concern over access for children or vulnerable persons.
- 4.10 The Council will also ensure that where category C 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.
 - These considerations will apply to premises including buildings where multiple premises licences are applicable. The Council will judge each separate application on its own merits before deciding whether to impose conditions to protect children on particular categories of premises.
- 4.11 The Council will require that any gambling establishment must give space to advertisements publicising details of organisations and support groups providing assistance to anyone addicted to gambling.
- 4.12 The Council considers that specific measures such as supervision of entrances, segregation of gambling areas, and supervision of gaming machines may be necessary in particular categories of premises but each case will be considered on its merits. Any condition imposed will be proportionate and directly related to the scale and type of the premises and the type of licence applied for.
- 4.13 The Council notes that the Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission offers no definition of vulnerable persons but it is assumed 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 mental impairment, alcohol, or drugs. The Council will consider on a case by case basis whether any special considerations apply in relation to the protection of vulnerable persons.

5. MAKING AN APPLICATION

- 5.1 The Council will ensure that all relevant information is available on how to make applications for licences and other permissions under the Act. A full list of responsible authorities and their appropriate contact details is available on the council website together with premises licence and permit application forms. In addition the council will ensure that information and advice regarding making

representations, and applying for a review of a premises licence, is also available. Application must be made in the prescribed manner and include a plan of the premises and the relevant fee.

- 5.2 Application forms and advice are available from Adur & Worthing Councils' website or by contacting the Licensing Unit.

<http://www.adur-worthing.gov.uk/licensing-and-permits/gambling/>

Advertising

- 5.3 Applicants must comply with the Gambling Act 2005's regulations when advertising their applications for a premises licence or variation. By displaying a white notice for 28 days on the exterior of the premises and placing an advertisement in the legal section of a local newspaper (Worthing Herald or Evening Argus). If advertising irregularities are found the advertising period may be required to be started again or extended, at the discretion of the Senior Licensing Officer.
- 5.4 Details of all new applications, variations and reviews are detailed on the council's website together with scheduled hearing dates and the results of each application.

Sending to Responsible Authorities

- 5.5 New applications or applications to vary premises licences must be made to the Licensing Authority with statutory notices served on each of the responsible authorities.

Making a representation

- 5.6 Responsible authorities and interested parties may make representations on applications for premises licences, their variation or review applications. The Act defines "Interested parties" as the bodies or individuals who are entitled to make representations to licensing authorities on applications for the grant, variation or review of premises licences. In addition, interested parties may themselves seek a review of a premises licence. Interested parties are defined in paragraph 9.3. Other than those that qualify as interested parties, the council will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.
- 5.7 Representations regarding an application may be positive or negative, although only negative representations, relevant to the licensing objectives, would result in a Licensing Sub-Committee hearing and determination of an application.

Irrelevant, frivolous, vexatious

- 5.8 Any representation which in the opinion of the Senior Licensing Officer is, on the balance of probabilities, irrelevant (does not relate to the licensing objectives), frivolous or vexatious shall not be considered. The Senior Licensing Officer is empowered to make a decision, which would result in the representation not going before the Licensing Sub-Committee.

- 5.9 In cases of doubt as to whether a representation is irrelevant, frivolous or vexatious the Senior Licensing Officer will consult with the Chairman of the Licensing and Control Committee or with legal advisors as appropriate.

Registering to speak or be represented at Sub-Committee hearings

- 5.10 Any person making a relevant representation that wishes to speak or be represented at a Licensing Sub-Committee hearing is expected to inform the Licensing Authority of their intention at least five working days before the hearing. Failure to do so may result in such a person not being heard, although the Chair may exercise their discretion and allow the person to speak.

6. DEMAND

- 6.1 In accordance with the Gambling Commission's guidance the Council recognises that unmet demand is not a relevant criterion in considering an application under the Act.

7. INFORMATION EXCHANGE

- 7.1 In exercising its functions under the Act the Council has establish protocols with the Commission to ensure efficient and effective exchange of information. The existing protocols established in connection with the Licensing Act 2003 are utilised for information exchange with other regulatory bodies. All information exchange is in accordance with the requirements of the Data Protection Act and the Freedom of Information Act. The name and address of those making representations will usually be disclosed to applicants.

8. ENFORCEMENT

- 8.1 Once licensed it is essential that premises are maintained and run in accordance with the requirements of the Act (and associated regulations) and any conditions on the licence. The Council has extended the existing enforcement liaison arrangements with other relevant statutory bodies to incorporate these responsibilities. Enforcement action in respect of the legislative requirements is in accordance with the approved Environmental Health Enforcement Policy, which is in accordance with the Enforcement Concordat. All interventions are:
- i. Proportionate and appropriate to the risks posed by any problem
 - ii. Consistent and fair in their application of standards and requirements
 - iii. Transparent and open
 - iv. Targeted and focused on the highest risk problems

9. MISCELLANEOUS

Responsible Authorities

- 9.1 The responsible authorities, as defined in Section 157 of the Act, are:

- The Gambling Commission
- Sussex Police
- West Sussex Fire and Rescue Service
- Adur & Worthing Councils' – Planning Services
- Adur & Worthing Councils' – Environmental Health
- West Sussex County Council's Child Protection, Social Services Section
- HM Customs and Excise

Under Section 157 the Council, as the licensing authority, is also defined as a responsible authority.

Responsible Authority for Child Protection

9.2 The Council is required by regulations to state the principles it will apply to exercising its powers under Section 157 of the Act to designate in writing a body which is competent to advise the authority on the protection of children from harm. These principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area.
- The need for consistency with the existing arrangements under the Licensing Act 2003

Worthing Borough Council has designated the Head of Child Protection at West Sussex County Council (Email: socialcare@westsussex.gov.uk)

Interested Parties

9.3 Interested parties can make representations about licence applications or call for a review of an existing licence. The Act defines an interested party as a person who in the opinion of the licensing authority:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities or
- b) Has business interest that might be affected by the authorised activities or
- c) Represents persons in either of these two groups.
- d) Who is democratically elected such as a councillor or MP.

9.4 The Council is required by regulations to state the principles it will apply in determining whether a person is an interested party. The principles are:

- The size and nature of the premises
- The distance from the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by customers)
- The circumstances of the complainant (the Council may conclude that "sufficiently close" has a different meaning for, for example, a private resident and a residential hostel for vulnerable adults)
- Persons representing a) or b) above may include Councillors, MP's, Trade Unions and residents and tenants Associations. The Council reserves the

right to require written evidence that a person does represent interested parties.

- 9.5 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.

Licence Reviews

- 9.6 A premises licence may be reviewed by the Council of its own volition or following an application from an interested party or responsible authority. The Council will normally grant an application for review unless the grounds on which the review is sought:

- Are frivolous or vexatious
- Are substantially the same as a previous application (unless sufficient time has passed to consider the matter again)
- Are substantially the same as representations made when the premises licence application was considered (unless sufficient time has passed to consider the matter again)
- "Will certainly not" cause the authority to revoke or suspend a licence, or to reserve or amend, or attach conditions.

Mediation

- 9.7 Where a responsible authority or an interested party (such as a local resident or residents' association) has made a valid representation about an application or for a licence to be reviewed, the Council will seek to encourage direct contact between the parties to try and achieve agreement. This process will not override the right of any responsible authority or interested party to ask that the Licensing and Control Committee consider a valid representation.

Appeals

- 9.8 The avenues of appeal against decisions by a licensing authority are set out in sections 206 to 209 of the Act and include rights with regard to premises licence application rejections and where applications are granted. Appeals may also be made against transfer and review decisions.
- 9.9 The Licensing & Control Committee will give clear and comprehensive reasons for any rejection of an application or grant of licence or any other decisions. The reasons for any decision will be made public at the hearing.
- 9.10 The Licensing & Control Committee will provide full written details of the decision with its reasons to all parties within five working days. From receipt of the written decision, the parties have 21 days to lodge an appeal at the magistrates' court.

Human Rights

- 9.11 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way, which is incompatible with a right under the European Convention on Human Rights, except in certain circumstances. In carrying out its licensing functions the Council will have particular regard to:
- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established in accordance with the law.
 - Article 8 that everyone has the right to respect for his home and private and family life.
 - Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence)
 - Article 14 the prohibition of discrimination. The rights and freedoms within the Convention shall be secured without discrimination on any ground.
- 9.12 However it is important to understand that many of the rights and freedoms are subject to limitations, enabling a balance to be struck between the rights of an individual and the wider interests of a democratic society. Thus a person's individual convention rights may be lawfully interfered with but only if there is a law which permits it. The interference must also be no more than is necessary and proportionate to the aims.
- 9.13 The Council recognises the importance of the Equality Act 2010. In applying the Gambling Licensing Policy the Council will have due regard to the need to eliminate unlawful discrimination for those with a protected characteristic as defined in the Act. The council will also have due regard to advancing equality of opportunity and fostering good relations between persons with protected characteristics and others.

Duplication

- 9.14 In exercising its new functions under the Act the Council will seek to avoid duplication with other regulatory regimes, particularly when attaching conditions to licence approvals.
- 9.15 It is recognised that there should be a clear separation of the land use planning and licensing regimes. It is expected that any necessary planning consents will be obtained prior to any licence application.

Casinos

- 9.16 Under Section 166 of the Act the Council may pass a resolution not to issue any casino premises licences. The Council has not passed such a resolution but should it decide to do so in the future, it will update this Policy Statement.

10. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

- 10.1 The Council is involved in a wide range of licensing decisions and functions and has established a Licensing and Control Committee to administer them.

- 10.2 The Council appreciates the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, and will delegate certain decisions and functions to sub-committees as appropriate.
- 10.3 The grant of non-contentious applications, including those licences and permits where no representations have been made, are delegated to Council Officers in accordance with statutory requirements.
- 10.4 The Council will clearly specify in the licence application pack the information required from applicants. The Council will not regard an application as properly made, and will not register an application as made, unless and until all such information is provided and the relevant fee has been paid.
- 10.5 The operational aspects of administering the licensing functions pursuant to the Gambling Act 2005 will be subject to periodic review.

11. CONTACT POINT

- 11.1 For advice on any aspect of this policy please contact:-

The Licensing Unit
Housing, Health & Community Safety Section

Principal Author and Contact Officer: Simon Jones, Senior Licensing Officer

Telephone 01903 221068 or **Email: licensing.unit@adur-worthing.gov.uk**

- 11.2 Information regarding the Gambling Act 2005, applications and policies can be found on the council's website at:

<http://www.adur-worthing.gov.uk/licensing-consultations/>

SUMMARY OF SOME TERMS UNDER THE GAMBLING ACT 2005

The definitions and tables included in following pages do not form part of this policy and are nationally set. They are included in 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 GAMING MACHINE

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)
A	Unlimited	Unlimited
<u>B1</u>	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)
<u>B2</u>	£100	£500
<u>B3</u>	£2	£500
B3A	£2	£500
<u>B4</u>	£2	£400
<u>C</u>	£1	£100
<u>D non-money prize (other than crane grab machine)</u>	30p	£8
<u>D non-money prize (crane grab machine)</u>	£1	£50
<u>D money prize</u>	10p	£5
<u>D combined money and non-money prize (other than coin pusher or penny falls machines)</u>	10p	£8 (of which no more than £5 may be a money prize)
<u>D combined money and non-money prize (coin pusher or penny falls machine)</u>	20p	£20 (of which no more than £10 may be a money prize)

Last reviewed: January 2014

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					

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

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).