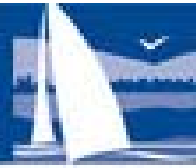


EASTBOURNE

Borough Council



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EASTBOURNE BOROUGH COUNCIL

GAMBLING ACT 2005 DRAFT STATEMENT OF LICENSING PRINCIPLES 2010-2013

CONSULTATION DOCUMENT

DOCUMENT BASED ON
LACORS STATEMENT OF PRINCIPLES TEMPLATE
PUBLISHED MAY 2009 – V3

EASTBOURNE BOROUGH COUNCIL
GAMBLING ACT 2005
STATEMENT OF PRINCIPLES 2010 - 2013

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This Statement of Principles was approved by Eastbourne Borough Council on the **XXXX**

Please note that all references within this Statement to 'Guidance', refers to the Gambling Commission's Guidance to Licensing Authorities, 3rd Edition, published May 2009. This was the current version of the Guidance at the time when this Statement was prepared and published. The content of this Statement of Principles may vary from time to time where there are revisions to the Gambling Act 2005 and/or regulations aligned to it.

FOREWORD

The Gambling Act 2005 has established a new regime for the licensing and regulation of commercial gambling in the UK. It repealed the burdensome frameworks of the Betting Gaming and Lotteries Act 1963, the Gaming Act 1968 and The Lotteries and Amusements Act 1976 and it aims to:-

- Provide a simplified response to the formidable social and industry challenges that have arisen in the modern gambling era, and
- To introduce rigorous safeguards to address the persistent rise in the commercial demand for gambling.

The 2005 Act is founded on a generic concept of 'gambling' that embraces the majority of commercial and non-private acts of gaming, betting and participation in non-exempted lotteries in the UK. Several types of licence are introduced that will authorise a range of regulated gambling activities, including operating licences, personal licences and premises licences. The responsibility for administering these licences is divided between the Gambling Commission (the Commission) who determine applications for operating and personal licences, and licensing authorities who decide premises licence applications and other forms of permission. Eastbourne Borough Council is the Licensing Authority under the Gambling Act 2005.

Each licence application will in part be decided upon the three licensing objectives enshrined within the 2005 Act, which are:

- preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way;
- protecting children and the vulnerable from being harmed or exploited by gambling.

These objectives are supplemented by the core principle of 'social responsibility' that will be given effect through the licensing and regulatory decision-making of the Gambling Commission and licensing authorities, and by the publication of codes of practice and guidance by the Commission and, in the case of licensing authorities, by the preparation of a statement of licensing policy.

Whilst exercising due social responsibility, the Council wishes to encourage the development of leisure and entertainment facilities:

- which offer access to employment and economic development, and
- which improve the choice about where leisure time is spent.

In making decisions on applications for premises licences, the Council, as the licensing authority will aim to achieve an effective balance between meeting the objectives of the Gambling Act 2005 and facilitating the sustainable economic growth of the Borough.

- 3 **PART A**

1.0 THE LICENSING OBJECTIVES

1.1 In exercising most of their functions under the Gambling Act 2005 (the 'Act'), Licensing Authorities (the 'Authorities') must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

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

1.2 It should be noted that the Gambling Commission (the 'Commission') has stated at Paragraph 5.2 of the Guidance that, "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling."

1.3 This Licensing Authority (the 'Authority') is aware that, as required by Section 153 of the Act, in making decisions about Premises Licences and Temporary Use Notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant Code of Practice issued by the Commission under Section 24 of the Act;
- in accordance with any relevant Guidance issued by the Commission under Section 25 of the Act;
- reasonably consistent with the licensing objectives; and
- in accordance with the Statement published by the Authority under Section 349 of the Act i.e. this Statement of Principles (the 'Statement').

2.0 INTRODUCTION

- 2.1 Covering an area of 4549.1 hectares, Eastbourne is thriving seaside town and a spectacular gateway to the South Downs and national beauty spot, Beachy Head. It has a resident population of 94 816 persons and is the fastest growing town for families in the South East.
- 2.2 With five miles of beaches, the largest manmade marina in the UK, and over 4,000 acres of South Downs countryside, Eastbourne regularly receives awards from Blue Flag to Best UK Resort and Most Group-Friendly UK Destination.
- 2.3 Tourism is crucial to this cosmopolitan area and is Eastbourne's primary industry. Generating over 4 million visitors and 7,464 jobs, tourism is worth over £343 million to the local economy every year, and brings over £5.5 million in conferencing business.
- 2.4 With one of the largest accommodation stocks in the South East, Eastbourne has approximately 7,500 bed spaces, and as a result the town stages a busy events programme which includes international ladies tennis, theatre shows direct from the West End and an international four day air show, Airbourne, bringing over 800,000 visitors.
- 2.5 With beautifully preserved architecture, stunning scenery and a clean and safe environment, Eastbourne is in a unique position. In addition, a 10 year Tourism Strategy seeks to secure investment in the town. It develops new marketing initiatives which will add new audiences for Eastbourne in the future, targeting 35+ age groups with high spending capability. A map of the area can be found at Appendix A.
- 2.6 By consulting widely prior to the publication of this policy statement, the Council will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies. There are a number of wider issues which will be given due consideration when dealing with applications. Accordingly, the Gambling Committee will, from time to time, receive reports on matters to include: needs of the local tourist economy, Cultural Strategies, employment and investment in the Borough and local crime prevention strategies.
- 2.7 A list of those persons who were consulted is provided at Appendix B. It should be noted that unsolicited responses were received from other persons, and where appropriate their comments include, however their details have not been included.

*Figures from East Sussex in Figures, February 2008.

2.8 Section 349 of the Act requires that the following parties are specifically consulted:

- 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; and
- 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 Act.

2.7 Our consultation took place between 7th August 2009 – 18th September 2009. It followed HM Government Code of Practice on Consultation, published in July 2008 which is available at <http://www.berr.gov.uk/files/file47158.pdf>

2.8 The full list of comments made and the consideration by the Authority of those comments is available by request to:

Licensing Team, 1 Grove Road, Eastbourne, East Sussex, BN214TW
or Email: licensingact@estbourne.gov.uk or Telephone 01323 415937.

2.9 The Statement was approved at a meeting of the Full Council on XX date and was published via our website on XXX DATE. Copies were placed in the towns Public Library and is available from all Eastbourne Borough Council Offices where they are open to the public.

2.10 Should you have any comments regarding this Statement, please send them via letter or email to the following:

Licensing Team, 1 Grove Road, Eastbourne, East Sussex, BN214TW
or Email: licensingact@estbourne.gov.uk or Telephone 01323 415937.

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

3.0 DECLARATION

3.1 In producing the final Statement, this Licensing Authority declares that it has had regard to the licensing objectives, the Guidance issued to Authorities by the Commission, and any responses from those consulted on the Statement.

4.0 RESPONSIBLE AUTHORITIES

- 4.1 The Authority is required by Regulations to state the principles it will apply in exercising its 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. The principles are:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In accordance with the suggestion in the Guidance, this Authority designates the Local Safeguarding Children Board for this purpose.
- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at:
<http://www.eastbourne.gov.uk/licensing>
- 4.4 The Act sets out the Responsible Authorities that can make representations about licensing applications or who can apply for a review of an existing licence. In Eastbourne, these are:
- Eastbourne Borough Council as the Licensing Authority
 - The Gambling Commission
 - Eastbourne Police, part of Sussex Police
 - East Sussex Fire and Rescue Service
 - Planning Department of Eastbourne Borough Council
 - Health & Environment Noise Team of Eastbourne Borough Council
 - Children's Safeguarding Quality Assurance Board
 - HM Revenue and Customs
 - Any other body or person that may be prescribed by the Regulations at a later date

5.0 INTERESTED PARTIES

- 5.1 Interested Parties can make representations about Licence applications or apply for a review of an existing Licence. These parties are defined in Section 158 of the Act as follows:

"For the purposes of this Part a person is an Interested Party in relation to a Premises Licence or 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 applications 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)."

5.2 The Authority is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an Interested Party. The principles are:

- Each case will be decided upon its merits.
- This Authority will not apply a rigid rule to its decision making.
- It will consider the examples of considerations provided in the Guidance at Paragraphs 8.11 to 8.18 inclusive.
- It will also consider Paragraph 6.25 of the Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- It will also take into account any guidance provided by the Gambling Commission to Licensing Authorities

5.3 Interested Parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an Interested Party will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be Interested Parties. Other than these however, this Authority will generally require written evidence that a person/body, for example an advocate, spokesperson or relative, 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is considered sufficient.

5.4 If individuals wish to approach Councillors to ask them to represent their views, then care should be taken to ensure that the Councillors are not part of the Licensing Committee dealing with the Licence application. If there are any doubts then please contact:

Licensing Team, 1 Grove Road, Eastbourne, East Sussex, BN21 4TW
Email: licensing@eastbourne.gov.uk or Tel: 01323 415937.

6.0 EXCHANGE OF INFORMATION

- 6.1 Authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act. This relates to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Authority will also have regard to any Guidance issued by the Commission on this matter, as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Act.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available by the Licensing Team on request.

7.0. ENFORCEMENT

- 7.1 Authorities are required by Regulations under the Act to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This Authority's principles are that:
- It will be guided by the Guidance and will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 7.3 As the Guidance requires, this Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 This Authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives;
- Relevant Codes of Practice;
- Guidance issued by the Commission, in particular at Part 36; and
- The principles set out in this Statement.
- The Authority's own Enforcement Policy

7.5 The main enforcement and compliance role for this Authority in terms of the Act is to ensure compliance with the requirements of the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Authority, but should be notified to the Gambling Commission or other body as appropriate.

7.6 This Authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.

7.7 Bearing in mind the principle of transparency, this Authority's enforcement/compliance protocols/written agreements and risk methodology is available upon request to:

Licensing Team, 1 Grove Road, Eastbourne, East Sussex, BN21 4TW
Email: licensing@eastbourne.gov.uk or Tel: 01323 415937.

8.0 LICENSING AUTHORITY FUNCTIONS

8.1 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 via 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) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits to person(s) who also hold an appropriate Premises Licence granted under the Licensing

Act 2003 in order that three or more gaming machines may be made available. The Premises Licence must include the retail sale of alcohol as a licensable activity with consumption of alcohol permitted on the licensed premises;

- Register Non-Commercial Societies in order that they can operate Small Society Lotteries within prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Commission regarding details of Licences issued (see Section above on 'Information Exchange'); and
- Maintain registers of the Permits and Licences that are issued under these functions.

8.2 It should be noted that Authorities are not be involved in licensing remote gambling at all, which is regulated by the Commission via Operating Licences.

DRAFT

PART B

PREMISES LICENCES - CONSIDERATION OF APPLICATIONS

1.0 General Principles

1.1 Premises Licences are subject to the requirements set-out in the Act and Regulations, as well as specific mandatory and default conditions which are detailed in Regulations issued by the Secretary of State. Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

1.2 This Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- 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.

1.3 The Authority recognises that Paragraph 5.27 of the Guidance states that "moral or ethical objections to gambling are not a valid reason to reject applications for Premises Licences."

1.4 "Absence of unmet demand is not a criterion for a Licensing Authority in considering an application for a Premises Licence under the Gambling Act."

(ii) Definition of "premises"

1.4 In Section 353(1) of the Act, "premises" is defined as including "any place and in particular – (a) a vessel, and (b) a vehicle". Section 152 of the Act therefore prevents more than one Premises Licence applying to any place. However, a single building could be subject to more than one Premises Licence, provided they are for different parts of the building and these parts can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete Premises Licences, where appropriate safeguards are in place. However, this Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are, or would be complied with.

- 1.5 The Guidance states at Paragraph 7.13 that: "In most cases the expectation is that a single building/plot will be the subject of an application for a Licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate Premises Licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances.
- 1.6 The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the Licensing Officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."
- 1.7 This Authority takes particular note of Paragraph 7.17 the Guidance which states that:

"Licensing Authorities should take particular care in considering applications for multiple Premises Licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more Premises Licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a Permit; and
- Customers should be able to participate in the activity names on the Premises Licence. "

1.8 The Guidance also provides at Paragraph 7.18, a list of factors which the Authority should be aware of, which may include:

- Is a separate registration for business rates in place for the premises ?
- Is the premises' neighbouring premises owned by the same person or someone else ?
- Can each of the premises be accessed from the street or a public passageway ?
- Can the premises only be accessed from any other gambling premises?

1.9 This Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

1.10 Paragraph 7.25 of the Guidance provides the relevant access provisions for each type of premises, this is reproduced below:

Casinos

- The principal entrance to the premises must be from a street (as defined at Paragraph 7.23 of the Guidance).
- No entrance to a Casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a Casino directly from any other premises which holds a gambling Premises Licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as defined at Paragraph 7.23 of the Guidance) or from other premises with a Betting Premises Licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a Casino
 - an Adult Gaming Centre

Bingo Premises

- No customer must be able to access the premises directly from:
 - a Casino
 - an Adult Gaming Centre
 - a Betting premises, other than a Track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a Casino
 - an Adult Gaming Centre
 - a Betting premises, other than a Track

Part 7 of the Guidance contains further advice on this issue, which this Authority will also carefully take into account in its decision-making.

(iii) Premises “ready for gambling”

- 1.10 The Guidance states at Paragraph 7.59 “that a Licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.”
- 1.11 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a Provisional Statement should be made instead.
- 1.12 In deciding whether a Premises Licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying the following two stage consideration process in accordance with Paragraph 7.60 of the Guidance:
- Whether as a matter of substance after applying the principles in Section 153 of the Act, the premises ought to be permitted to be used for gambling; and
 - Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.13 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a Licence subject to conditions, but it is not obliged to grant such a Licence.

1.14 More detailed examples of the circumstances in which such a Licence may be granted can be found within the Guidance at Paragraphs 7.59-7.66 inclusive.

(iv) Location

1.15 This Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This Authority will pay particular attention the protection of children and vulnerable persons, the following will be considered when considering the appropriateness of locations for the grant of any licence permissions:

- The proximity of premises to any recognised schools , centres or establishments for the education, training or care of young persons and/or vulnerable persons.
- The proximity of the premises to leisure centres used for activities by young persons and/or vulnerable persons.

Note That proximity will be determined on a case by case basis at the informed discretion of the Licensing Manager.

1.16 It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning

1.16 The Guidance states at Paragraph 7.59 that "In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal." This Authority will not take into account irrelevant matters in accordance with the Guidance.

1.17 In addition, this Authority notes the Guidance at Paragraph 7.66 which states that "When dealing with a Premises Licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have to comply with the necessary planning or building

consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other Regulations, and must not form part of the consideration for the Premises Licence. Section 210 of the Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a Premises Licence application. Equally, the grant of a gambling Premises Licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

(vi) Duplication with other regulatory regimes

- 1.18 This Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Authority will not consider whether a Licence application is likely to be awarded planning permission or building regulations approval as part of the licensing process. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by Licensees due to planning restrictions, should such a situation arise.
- 1.19 When dealing with a Premises Licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other Regulations and must not form part of the consideration for the Premises Licence.

Licensing Objectives

- 1.20 Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Authority has considered the Guidance and some comments are made below.

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

- 1.21 This Authority is aware that the Commission takes a leading role in preventing gambling from being a source of crime. The Guidance does however envisage that Authorities should pay attention to the proposed location of gambling premises in terms of promoting this licensing objective. Thus, where an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of Door Supervisors. This Authority is aware of the distinction between disorder and nuisance and will consider factors (for example 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 noise nuisance is not a Licensing Objective under the Gambling Act 2005.

1.22 In considering licensing applications, the Authority will consider the following:

- The design and layout of the premises
- The training given to staff in relation to the promotion of the licensing objectives, and associated crime prevention measures appropriate to those premises
- Physical security features installed in the premises.
- Where the premises are subject to age restrictions, the procedures are in place to conduct age verification checks
- The likelihood of any violence or public order issues if the licence is issued.

Ensuring that gambling is conducted in a fair and open way

1.23 This Authority will not generally concern itself with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences that are issued by the Gambling Commission. However, the Authority has more of a discretion in respect of authorisations which do not require an operating or personal licence. For example in relation to Tracks. This is explored in more detail within the Tracks section.

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

1.24 This Authority notes the contents of the Guidance in that this objective means preventing children from taking part in gambling, as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children. The Authority will therefore consider, as suggested in the Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines and segregation of areas.

1.25 This Authority is also aware of the Commission Codes of Practice as regards this licensing objective in relation to specific premises. These Codes of Practice should be read in conjunction with the Statement.

1.26 As regards the term “vulnerable persons” it is noted that the Commission does not seek to offer a definition but states that “it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental health needs, learning disability or substance misuse relating to alcohol or drugs”. This Authority will consider this licensing objective on a case by case basis.

Conditions

1.27 Any conditions attached 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.

1.28 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Authority will consider utilising should there be a perceived need, such as the use of Supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the Licence types below. This Authority will also expect applicants for Premises Licences to offer their own suggestions as to ways in which the licensing objectives can be effectively met.

1.29 This Authority will also consider specific measures which may be required for buildings which are subject to multiple Premises Licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission’s Guidance.

1.30 This Authority will also ensure that where Category C or above gaming machines are on offer in premises to which children are admitted that:

- 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 holder of the Licence; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

1.31 These considerations will apply to premises including buildings where multiple Premises Licences are applicable.

1.32 This Authority is aware that Tracks may be subject to one or more than one Premises Licence, provided each Licence relates to a specified area of the track. As per the Guidance, this Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.33 It is noted that there are conditions which the licensing authority cannot attach to Premises Licences which are:

- 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 Act 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.

Registered Door Supervisors

1.34 This Authority recognises Paragraph 33.1 of the Guidance where it states that "If a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example by children and young persons, then it may require that the entrances to the premises are controlled by a Door Supervisor, and is entitled to impose a Premises Licence to this effect."

1.35 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be licensed by the Security Industry Authority or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary. This is supported by the Guidance at Part 33.

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

1.37 It is noted that Door Supervisors at casinos or bingo premises who are directly employed by the casino or bingo premises operator are not normally required to be licensed by the Security Industry Authority. However, it is the expectation of this Authority that those engaged in door supervisory functions should be registered with the Security Industry Authority as Door Supervisors. The term "door supervisor" means:

- Any person guarding the premises against unauthorised access or occupation, against outbreaks of disorder or damage and monitoring of the conduct of patrons.

1.38 For premises other than casinos and bingo premises, Operators and this Authority may consider that supervision of entrances/exits/machines as appropriate for particular cases which will be looked at on its merits to establish whether such supervisors need to be licensed with the SIA

2. Adult Gaming Centres

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

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

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres

3.1 This Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

3.2 This Authority may consider measures to meet the licensing objectives such as:

- Close Circuit Television and appropriate recording equipment;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare; and
- Measures/training for staff on how to deal with suspected truant school children on the premises.

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

3.3 This Authority will as per the Guidance, refer to the Gambling Commission's website to appraise itself of any operating conditions that apply to Operating Licences, alongside the mandatory or default conditions on Premises Licence. However, those seeking to operate licensed sites are expected to have a full knowledge and understanding of such, as well as the way in which these are applied to specific premises.

4.0 Casinos

4.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution accordingly. Any such decision will be taken by the Full Council.

- Casinos and competitive bidding –

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 which will want to run the casino. In such situations the Local Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations codes of practice issued under the Gambling Act 2005 by the Secretary of State.

- Licence considerations / conditions

This Licensing Authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

- Betting machines –

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons since it is an offence for those under 18 to bet or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to off

- Credit –

This Licensing Authority has noted that the Gambling Commission has stated in its Guidance for Local Authorities that "section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, not make any payment in connection with the machines. Guidance on the further conditions that may apply in relation to such machines will be included at a later date."

5.0 Bingo

5.1 This Authority notes the following Paragraphs of the Guidance:

Paragraph 18.4 – “Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a Premises Licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their Licence to exclude an area of the existing premises from its ambit and then applies for a new Premises Licence, or multiple Licences, for that or those excluded areas.”

Paragraph 18.8 – Regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate a maximum of sixteen gaming machines drawn from Category B3 and/or B4 in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Paragraph 18.6 – “Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if Category B or C machines are made available for use these must be separated from areas where children and young people are allowed.”

6.0 Betting Premises

6.1 Betting machines - This Authority will, as per the Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for persons under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7.0 Tracks

7.1 This Authority is aware that Tracks may be subject to one or more Premises Licences, provided each Licence relates to a specified area of the track. This Authority notes that Guidance and confirms that it will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

7.2 This Authority will therefore expect the applicant for a Track Premises Licence to demonstrate suitable measures to ensure that children do not

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

7.3 This Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- Close Circuit Television and appropriate;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

7.4 Gaming machines at tracks - Where the applicant holds a Pool Betting Operating Licence (this is granted by the Commission) and is going to use the entitlement to four gaming machines, machines (other than Category D) should be located in areas from which children are excluded.

7.5 Betting machines at tracks - This Authority will, as per Part 6 of the Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons since it is an offence for persons under 18 to bet, or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

7.6 As part of an application for a Track Premises Licence, applicants are required to submit plans of the premises. As the Guidance states at Paragraph 20.28, this is essential in order that "The Licensing Authority have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan also informs future premises inspection activity."

7.7 The Authority also notes the following Paragraphs 20.29, 20.31 and 20.32 of Guidance which states that:

"Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by Regulations."

"Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, Track Premises Licence holders may erect temporary structures to restrict access to premises".

"In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through Occasional Use Notices where the boundary premises do not need to be defined."

- 7.8 This Authority shares the Commission's appreciation at Paragraph 20.33 of the Guidance that "it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan."

8.0 Travelling Fairs

- 8.1 This Authority is responsible for deciding whether, where Category D gaming machines and/or equal chance prize gaming without a Permit is to be made available for use at travelling fairs. The statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, 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 Authority will work with its neighbouring Authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9.0 Provisional Statements

- 9.1 Developers may wish to apply to this Authority for Provisional Statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a Premises Licence. There is no need for the applicant to hold an Operating Licence in order to apply for a Provisional Statement.
- 9.2 Section 204 of the Act provides for a person to make an application to the Authority for a Provisional Statement in respect of premises that they:
- (a) expect to be constructed;
 - (b) expect to be altered; or
 - (c) expect to acquire a right to occupy.
- 9.3 The process for considering an application for a Provisional Statement is the same as that for a Premises Licence application. The applicant is obliged to give notice of the application in the same way as applying for a Premises Licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.
- 9.4 In contrast to the Premises Licence application, the applicant does not have to hold, or have applied for, an Operating Licence from the Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their application for a Provisional Statement is made.
- 9.5 The holder of a Provisional Statement may then apply for a Premises Licence once the premises are constructed, altered or acquired. The Authority will be constrained in the matters it can consider when determining the Premises Licence application, and in terms of representations about Premises Licence applications that follow the grant of a Provisional Statement, no further representations from relevant Responsible 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.
- 9.6 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:

- Which could not have been raised by objectors at the Provisional Statement stage;
- Which in the Authority's opinion reflect a change in the Operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

10.1 Requests for a review of a Premises Licence can be made by Responsible Authorities. The Licensing Authority can also seek a review of a premises licence of its own volition. Interested Parties can also make representations, however, it is for the Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- In accordance with any relevant Code of Practice issued by the Commission;
- The Licensing Objectives;
- In accordance with any relevant Guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement.

10.2 The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this Authority to wish to alter/revoke/suspend the Licence, or whether it is substantially the same as previous representations or requests for review.

10.3 The Authority can also initiate a review of a particular Premises Licence, or a particular class of Premises Licence on the basis of any reason which it thinks is appropriate.

10.4 Once a valid application for a review has been received by the Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Authority, who will publish notice of the application within 7 days of receipt.

10.5 The Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

- 10.6 The purpose of the review will be to determine whether the Authority should take any action in relation to the Licence. If action is justified, the options open to the Authority are: -
- (a) Add, remove or amend a Licence condition imposed by the Authority;
 - (b) Exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - (c) Suspend the Premises Licence for a period not exceeding three months; and
 - (d) Revoke the Premises Licence.
- 10.7 In determining what action, if any, should be taken following a review, the Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 10.8 In particular, the Authority may also initiate a review of a Premises Licence on the grounds that a holder of a Premises Licence has not provided facilities for gambling at the premises. This is to prevent people from applying for Licences in a speculative manner without intending to use them.
- 10.9 Once the review has been completed, the Authority must, as soon as possible, notify its decision to:
- The holder of the Licence;
 - The applicant for review (if any);
 - The Commission;
 - Any person who made representations;
 - The Chief Officer of Police or Chief Constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART C
Permits / Temporary & Occasional Use Notice

1.0 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Section 247 of the Act and Schedule 10 Paragraph 7)

- 1.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the 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 in accordance with the requirements of Section 238 of the Act.
- 1.2 Schedule 10, Paragraph 7 of the Act states that an Authority may “prepare a statement of principles that they propose to apply” 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 of the Act. The Guidance also states at Paragraph 24.6 “In its Licensing Authority Statement of Policy, a Licensing Authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for Permits..... Licensing Authorities may want to give weight to child protection issues.”
- 1.3 Guidance also states at Paragraph 24.7 that “An application for a Permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, 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 Family Entertainment Centres;
 - That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - That employees are trained to have a full understanding of the maximum stakes and prizes.”
- 1.4 It should be noted that an Authority cannot attach conditions to this type of Permit.
- 1.5 Statement of Principles - This Authority will expect applicants 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. The efficiency 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. This Authority will also expect, as suggested by the Guidance, that applicants 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.

2.0 (Alcohol) Licensed Premises Gaming Machine Permits & Automatic Entitlement (Section 283 of the Act and Schedule 13 Paragraph 4(1)) (Section 282 of the Act)

Permit: 3 or more gaming machines

- 2.1 Under Section 283 of the Act, the holder of an appropriate alcohol Premises Licence granted under the Licensing Act 2003 (this must specifically include the retail sale of alcohol as a licensable activity with consumption permitted on the premises) may apply for a Permit if they wish to make available for use at the premises more than two gaming machines drawn from Category C and/or D. The Authority must consider any application for a Permit based upon the licensing objectives, any guidance issued by the Commission issued under Section 25 of the Act, and “such matters as they think relevant”.
- 2.2 This Authority considers that “*such matters*” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect applicants to satisfy the Authority that there will be sufficient measures to ensure that persons under 18 years do not have access to the adult only gaming machines. 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 may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 2.3 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.

- 2.4 It should be noted that the 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.
- 2.5 It should also be noted that the holder of a Permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

Automatic entitlement: Maximum of 2 gaming machines

- 2.6 Under Section 282 of the Act, the holder of an appropriate alcohol Premises Licence granted under the Licensing Act 2003 (this must specifically include the retail sale of alcohol as a licensable activity with consumption permitted on the premises) may give notice to the Authority that they wish to take advantage of the automatic entitlement to provide at the premises a maximum of two gaming machines again drawn from either Category C and/or D. There is no application process, however the holder of the Premises Licence is required to formally notify the Authority prior to making gaming machines available for use.
- 2.7 However, the 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 Act (i.e. that written notice has been provided to the Authority, that a fee has been provided and that any relevant Code of Practice issued by the 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 Act has been committed on the premises.

3.0 Prize Gaming Permits

- 3.1 Schedule 14, Paragraph 8(1) of the Act states that an 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 proposes to consider in determining the suitability of the applicant for a Permit.”
- 3.2 Statement of Principles - This Authority will expect that applicants should set out the types of gaming that they are intending to offer and they should also be able to demonstrate:

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

3.3 In accordance with the provisions of Schedule 14, Paragraph 8(3) of the Act, the Authority, when making its decision on an application for a Permit, does not need to (but may) have regard to the licensing objectives but must have regard to any Guidance issued by the Commission.

3.4 It should be noted that there are conditions in the Act by which the holder of the Permit must comply, but that the 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 on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in Regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

4.0 Club Gaming and Club Machines Permits

4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

4.2 Guidance states at Paragraph 25.5 that "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. The Secretary of State has made Regulations and these cover bridge and whist Clubs. A Members' Club must be permanent in nature and established and conducted for the benefit of Members and not as a Commercial enterprise. Examples include working men's clubs, branches of the Royal British Legion and Clubs with political affiliations."

4.3 The Guidance also states at Paragraph 25.26 *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."

4.4 There is also a 'fast-track' procedure available under Schedule 12, Paragraph 10 of the Act in respect of premises which also benefit from a Club Premises Certificate granted under the Licensing Act 2003. As the Guidance states at Paragraphs 25.29 & 25.30, "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are that:

- (a) The Club is established primarily for gaming, other than gaming prescribed by Regulations under Section 266 of the Act;
- (b) In addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) A Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled."

4.5 There are statutory conditions on Club Gaming Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

5.0 Temporary Use Notices

5.1 Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. At Paragraph 14.1 of the Guidance, the Commission have suggested that premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues.

- 5.2 The Authority is aware that it can only grant a Temporary Use Notice to a person or company holding a relevant Operating Licence, in effect a non-remote Casino Operating Licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the current time The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 (SI No.: 2007/3157) state that they can only be used to permit the provision of "facilities for any form of equal chance gaming, where those participating in the gaming are taking part in a competition which is intended to produce a single overall winner." This in practice means poker tournaments.
- 5.4 There are a number of statutory limits regarding Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Guidance. 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. In the Act "premises" is defined as including "any place".
- 5.5 In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.6 As recommended in the Guidance, this Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.
- 6.0 Occasional Use Notices:**
- 6.1 The Authority has very little discretion as regards these notices, except for ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Authority will, however, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Annex 3

Map Of Eastbourne



Appendix B Glossary of Terms

Adult Gaming Centres	<p>Adult gaming centres (AGCs) are a new 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 Council. They will be able to make category B, C and D gaming machines available to their customers.</p> <p>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, that 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)</p>
Alcohol licensed premises gaming machine permits	<p>The Council can issue such permits for any number of category C or D machines in licensed premises. There is an automatic entitlement for alcohol on licence holders to make available 2 gaming machines of category C or D for use in alcohol licensed premises.</p>
Applications	<p>Applications for licences and permits.</p>
Authorisations	<p>This policy relates to all authorisations, permits, licences etc, which the Council is responsible for under the Gambling Act 2005.</p>
Betting Machines	<p>A machine designed or adapted for the use to bet on future real events (not Gaming Machine).</p>
Bingo	<p>A game of equal chance.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>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</p>

	<p>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.</p> <p>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.</p>
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Children	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Category B, C or D).
Club Gaming Permits and Club Machine Permits	Club gaming permits allow members' clubs and miners' welfare institutes (but not a commercial club) to provide gaming machines and games of chance. These clubs and commercial clubs may apply for a club machine permit which allows the holder to have up to 3 gaming machines of Category B, C or D.
Code of Practice	Means any relevant current code of practice under section 24 of the Gambling Act 2005.
Default Conditions	Conditions that will apply unless the Council decide to exclude them. This may apply to all Premises Licenses, to a class of Premises Licence or Licenses for specified circumstances.
Disorder	Disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
FECs	Family entertainment centres.
Gaming	Prize gaming if the nature and size of the prize is not determined by the number of people playing the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Change Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Occasional Use Notices	Where there is betting on a track on up to eight days in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. A track includes a horse race course, dock track and temporary tracks for races or sporting events.
Operating Licence	Authorised individuals or companies to provide facilities for certain types of remote or non remote gambling. These licenses are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operating. A single licence cannot authorise both remote and non remote activities; separate operating licenses are needed for this. Conditions may be attached.

Personal Licence	Except for small scale operations, for each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gaming Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.
Premises	Premises is defined in the Act as "any place". Different premises licence cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being separate premises will always be a question, of fact in the circumstances. However, the Council does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
Premise Licence	Authorises the provision of facilities for gambling on premises for casinos, bingo, betting including tracks, adult gaming centres and family entertainment centres. The premises licence may also include details of conditions. These licences will be valid for the life of the premises, subject to any review that may be triggered and lapse in certain circumstances, with no annual renewal required, although there is an annual fee. These licenses are transferable to someone else holding a valid operating licence.
Prize Gaming Permits	This permit allows the provision of facilities for gaming and prizes on specified premises. "Prize gaming" refers to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.
Temporary Use Permits	These licences authorise the person or company holding a relevant operating licence to use the premises temporarily for providing facilities for gambling where there is no premises licence. Such premises may include hotels, conference centres and sporting venues.
Unlicensed Family Entertainment Centre Gaming Machine Permits	These allow the use of Category D gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.
Vulnerable Persons	The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission will not seek to define "vulnerable persons", but it will for regulatory purposes 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 mental health needs, learning disability or substance misuse relating to alcohol or drugs.
Young Person	Persons who are 16 to 18 years old

Appendix C

Categories of Gaming Machines

This table sets out the different categories of gaming machines and the current maximum stakes and prizes that apply to each category, as at the date of issue of this Policy.

Category	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4000
B2	£100	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	50p	£35
D	10p/30p*	£5/£8*

Category D machines with a 10p stake are entitled to offer prizes of up to £5 in cash, or up to £5 in cash and £3 in non-monetary prizes. Category D machines with a 30p stake can offer £8 in non-monetary prizes only.

Number of Gaming Machines by Premises Type

Type	Gaming Tables (Minimum)	Gaming Machines
Large Casino	1	5 gaming machines Category B to D for each table available for use maximum of 150 machines
Bingo Premises	N/A	4 gaming machines Category B3 and B4 unlimited machines Category C unlimited Category D machines
Betting Premises	N/A	4 gaming machines Category B2 to D
Track Betting Premises where Pool Betting	N/A	4 gaming machines Category B2 to D
Adult Gaming Centre	N/A	4 gaming machines Category B3 to D unlimited Category C unlimited Category D
Family Entertainment Centre with Operating Licence	N/A	Unlimited gaming machines Category C to D
Family Entertainment Centre with Gaming Permit	N/A	Unlimited gaming machines Category D
Members Club Premises	N/A	3 gaming machines Category B4 to D
On Sales Alcohol Licensed Premises without Food Restriction	N/A	2 gaming machines Category C to D by notification: unlimited Category C to D with alcohol premises gaming permit

Appendix D

Table of Delegations of Licensing Functions

Matter to be Dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting – where appropriate			Strategic Manager – Public Protection
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where representations have been received and not withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where representations have been received and not withdrawn
Cancellation of club gaming/club machine permits			X
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consider for temporary use notice			X
Decision to give a counter notice to a temporary use notice			

Appendix E
Table of Exemptions

Exemptions from	Types of Gambling Permissions
Operating Licence	<ul style="list-style-type: none"> • Small society lotteries • Incidental non commercial lottery • Private lottery • Customer lottery
Premises Licence	<ul style="list-style-type: none"> • Occasional use notice • Football pools • Temporary use notice
Operating Licence and Premises Licence	<ul style="list-style-type: none"> • Family entertainment centre gaming machine permit • Club/miners' welfare institute: equal chance gaming • Club gaming permit • Club machine permit • Equal chance gaming, on licensed premises • Gaming machines: automatic entitlement, on licensed premises • Licensed premises gaming machine permit • Travelling fair gaming machine • Prize gaming permit • Other prize gaming • Ancillary equal chance gaming at travelling fairs • Private gaming and betting • Non commercial prize gaming • Non commercial equal chance gaming

Details of those consulted as part of the Statement Of Principles review process.

Please note that a full list of those consulted is available on request.

- Responsible Authorities as defined by the Gambling Act 2005
 - Head of Children's Safeguards and Quality Assurance
 - HM Commissioner of Customs & Excise
 - Gambling Commission
 - The Chief Officer of Sussex Police (Licensing Unit - Eastbourne)
 - Fire Safety Officer, East Sussex Fire and Rescue Service
 - Planning Control Department, Eastbourne Borough Council

- All those registered as having been issued with permission under the Gambling Act 2005 for which the Authority has responsibility to include all premises licence holders.

- Various Internal Consultees
- East Sussex County Council Safer Communities Team
- Eastbourne Disability Involvement Group

- Trade Groups & Organisations with an interest in the gambling industry
 - Casino Operators Association (UK)
 - British Holiday & Home Parks Association
 - British Amusement Catering Trade Association
 - Racecourse Association Limited
 - Business In Sport & Leisure
 - Salvation Army
 - GAMCARE
 - Gamblers Anonymous
 - National Institute For Mental Health In England
 - Federation of Small Businesses, Eastbourne
 - Hospitality Association, Eastbourne
 - Eastbourne Federation Of Voluntary Organisations
 - Eastbourne Access Group
 - Eastbourne Cultural Communities Network
 - Sompritti
 - East Sussex Disability Association
 - Licensed Victuallers Association
 - Association of British Bookmakers

- British Amusement Catering Association
- British Casino Association
- Bingo Association
- Remote Gambling Association
- Gambling Commission – Clive Noblett
- Gambling Commission – Chief Executive
- Ladbrokes Bookmakers – Samantha Alleyne
- William Hill Bookmakers – Helen Grantham
- The British Casino Association – Chief Executive
- Punch Taverns – Andy Crump
- Punch Taverns – Viv Long
- Responsibility in Gambling Trust – Chief Executive
- The Federation of Small Businesses - Eastbourne
- Nightwatch Co-Coordinator –Eastbourne – Trish Pybous
- British Beer & Pub Association – Eastbourne
- Chamber of Commerce - Eastbourne