



Time and venue:

10:30am in the Ditchling & Telscombe Rooms, Southover House, Lewes, BN7 1AB

Note: This meeting is a public meeting. The number of public seats, however, are limited and need to be carefully managed to ensure that the meeting is Covid-secure. For this reason, we would like to ask that anyone intending to attend as a member of the public, contact Democratic Services in advance by email: committees@lewes-eastbourne.gov.uk or phone: 01273 471600. Anyone attending the meeting will be requested to check in at the venue and to wear a face covering.

Membership:

Councillor Sean MacLeod (Chair); Councillors Christine Robinson (Vice-Chair), Sam Adeniji, Liz Boorman, Roy Clay, Johnny Denis, Stephen Gauntlett, Isabelle Linington, Jim Lord and Linda Wallraven

Quorum: 3

Published: Monday, 19 July 2021

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held remotely (via Microsoft Teams) on 1 April 2021 (attached herewith).

2 Apologies for absence

3 Declarations of interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.

5 Written questions from councillors

To deal with written questions from councillors pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

**6 Review of the Lewes District Council Statement of Licensing Policy
(Pages 9 - 30)**

Report of Director of Service Delivery

**7 Review of the Lewes District Council Gambling Act Statement of Principles
(Pages 31 - 60)**

Report of Director of Service Delivery

8 Date of next meeting

To note that the next meeting of the Licensing Committee is scheduled to be held on Thursday, 7 October 2021 in the Ditchling and Telscombe Rooms, Southover House, Lewes, BN7 1AB, commencing at 10:30am.

Information for the public

Accessibility:

Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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Public participation:

Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Information for councillors

Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address:

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that Committee or Sub-Committee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

Other participation:

Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

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Licensing Committee

Minutes of the meeting held remotely (via Microsoft Teams) on 1 April 2021 at 10.00am

Present:

Councillor Sean MacLeod (Chair)
Councillors Christine Robinson (Vice-Chair), Liz Boorman, Roy Clay, Johnny Denis, Stephen Gauntlett, Isabelle Linington and Jim Lord

Officers in attendance:

Danielle Ball (Specialist Advisor, Licensing)
Jo Dunk (Senior Specialist Advisor, Environmental Health)
Ed Hele (Functional Lead, Quality Environment)
Jennifer Norman (Committee Officer, Democratic Services)
Paul Thornton (Specialist Advisor, Licensing)
Michele Wilkinson (Lawyer, Housing & Regulatory)

20 Apologies for absence

Apologies for absence had been received from Councillors Sam Adeniji and Keira Rigden.

21 Declarations of interest

There were none.

22 Minutes

The minutes of the meeting held on 17 December 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

23 Urgent items

There were none.

24 Written questions from councillors

There were none.

25 Taxi Licensing Guidance Review

The Committee considered the report which detailed the results of the consultation on the proposed Lewes District Council Hackney Carriage and Private Hire Licensing Guidance, and to agree a final Guidance document to be adopted on a date to be agreed.

The Specialist Advisor (Licensing) (SAL), Mr Thornton, presented the report and its findings, and highlighted the officer recommendations that the Committee was asked to consider.

Discussions included:

- Questions surrounding WAV vehicles and how many of the total number of drivers within Lewes District which were licensed Hackney Carriage and Private Hire Drivers, operated WAV vehicles. Officers confirmed that there were 138 licensed Hackney Carriage Drivers, 5 of which had WAV vehicles, and a further 468 Private Hire Drivers.
- Why the safeguarding awareness training and the fit and proper test were detailed in the report but were not shown in the proposed Guidance. The SAL apologised and clarified that if the Committee chose to implement these points, he would ensure that they were properly referenced in the Guidance.
- Questions surrounding costs in relation to the safeguarding awareness training and whether or not the Council could use the money ringfenced to supplement the fees for current drivers. Officers confirmed that they would research the possibility and feedback the results to the Chair.
- Questions surrounding age restrictions referenced in paragraph b in section 3.1 of the report which related to electric and hybrid vehicles, and if they would fall under exceptional circumstances. The SAL explained that in the case of electric vehicles, they would have to be approved on their merits and that a wider discussion would need to be had as to whether they should be subject to the ten-year rule.
- Whether or not there was a cut-off date for magnetic plate removal. The SAL confirmed that there was currently no cut-off date in place.

The Committee had a detailed discussion regarding CCTV and the cost implications. Although a majority of the Committee agreed that CCTV systems be installed in all Hackney Carriage vehicles within the District beginning October 2023, Councillor Linington requested that her objection to making CCTV mandatory be noted in the body of the minutes.

Resolved:

- 1) That the proposed Lewes District Council Hackney Carriage and Private Hire Licensing Guidance as set out in Appendix 1, be agreed subject to the following amendments:
 - a. That CCTV systems be installed in all Hackney Carriage vehicles within the District beginning October 2023; and
 - b. That Officers present alternative solutions in relation to WAV licences as set out in section 3.1 (ff) of the report, and provide a further report to the Committee on the findings; and

- 2) That the Senior Specialist Advisor (Licensing), take the necessary steps to implement the changes as set above, produce a final Guidance document and publish it on a date to be agreed by the Chair of the Licensing Committee.

26 Date of next meeting

Resolved:

That it be noted that the next meeting of the Licensing Committee is scheduled to commence at 10:30am on Thursday, 24 June 2021.

The meeting ended at 11.30am.

Councillor Sean MacLeod (Chair)

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Agenda Item 6

Report to: Licensing Committee

Date: 29 July 2021

Title: Review of the Lewes District Council Statement of Licensing Policy

Report of: Director of Service Delivery

Ward(s): All

Purpose of report: To review the Lewes District Council Statement of Licensing Policy and agree a six-week public consultation.

Officer recommendation(s):

(1) The Committee review the Lewes District Council Licensing Act Policy.

(2) The Committee authorise the Senior Specialist Advisor (Regulatory Services) to start a six-week consultation with the public, trade and interested bodies.

(3) That following the consultation period the Customer First Resolution Team Operational Manager (Regulatory and Place) in conjunction with the Chair of the Licensing Committee, be delegated to consider the consultation responses and make any minor changes to the Statement of Licensing Policy and then recommend the same to Full Council for approval. That in the event of substantial changes being suggested by the consultation to the Statement of Licensing Policy a report be brought back to a Licensing Committee.

Reasons for recommendations: Statutory requirement to review the Statement of Licensing Policy every five years.

Contact Officer(s): Name: Paul Thornton
Post title: Specialist Advisor (Regulatory Services)
E-mail: paul.thornton@lewes-eastbourne.gov.uk
Telephone number: 01323 514140

1 Introduction

- 1.1 The Licensing Act 2003 (“the Act”) requires Licensing Authorities to prepare and publish for a five-year period, a Policy for their area which apply when exercising its functions under the Act.

- 1.2 The Statement of Licensing Policy should be regarded as a local framework for decision making when considering licensing applications and the licensing committee and its sub-committees are required to have due regard to this when forming a decision.
- 1.3 The current Policy was approved by Full Council after review and public consultation and came into effect on 7th December 2017.
- 1.4 The Policy is being reviewed earlier than the five-year period to take account of some minor changes. It will also allow Officers providing shared services the opportunity to ensure a consistency of approach in their dealings with Lewes and Eastbourne Councils.
- 1.5 The proposed Statement of Licensing Policy attached as Appendix 1 will be the subject of a 6-week consultation which will include members of the trade, responsible authorities, current licence holders and elected members.
- 1.6 Details of who will be consulted can be found in Section 2 of this report.

2 Proposed Changes to the Statement of Licensing Policy

- 2.1 There are three minor changes to the Policy:
- 2.2 A. Paragraph 5.1.5 – Indicating that the Council is not prepared to allow opening of outside drinking areas beyond 2300 hours for new and variations to existing premises other than in cases of exceptional circumstances. This does not prevent applications being made, but it highlights to applicants, the Council's position.
- 2.3 B. Paragraphs 6.2.1 to 6.2.3 – Establishing that although consideration will be given to shops, stores and supermarkets selling alcohol during opening hours, the Council do not anticipate granting this outside of the hours of 0600-2300.
- 2.4 C. Paragraph 6.7.1 – Applications for new and major variations to existing licences require adverts at the site and in a local newspaper. This paragraph defines the newspaper that is acceptable and makes it clear that it will not accept adverts in other publications.
- 2.5 The draft of the amended Policy is included at Appendix 1 and will be published for a six-week consultation period starting on the XXXXXXXX. The Council propose to consult with the Responsible Authorities (as defined in Section 13 of the Act) , the licensing trade ,public interest groups and through Public Consultation via www.lewes-eastbourne.gov.uk.

3. Options for the Committee

3.1 The Committee could offer the following options for consultation:

- a. Keep the current Statement of Licensing Policy.
- b. Accept the changes in Section 2 as a whole.
- c. Accept parts of the proposed changes.

4 Financial Impact

4.1 There are no additional financial implications to this report.

5 Legal implications

5.1 Section 5 of the Act requires a Licensing Authority, in respect of each five-year period, to determine its Statement of Licensing Policy with respect to the exercise of its licensing functions and publish a statement of the Policy. Such a Policy should be published before the authority carries out any function in respect of any individual applications and notices made under the Act.

5.2 Section 5(3) of the Act states who the Licensing Authority must consult with when producing or revising the Policy. The views of all those persons or bodies should be given appropriate weight.

5.3 Section 5(4) of the Act states that the Licensing Authority must keep its Policy under review, during the five-year period, and it can make revisions at any time it considers appropriate.

5.4 Members are asked to note the statutory Home Office Guidance and in particular paragraphs 14.51 and 14.52. That states that the Licensing Authority has the power to make decisions regarding licensed opening hours as part of its Policy because it is best placed to make such decisions based on its local knowledge and in consultation with other responsible authorities. However, the Licensing Authority must always consider each application on its merits and must not impose predetermined licensed opening hours without giving individual consideration to the merits of each application. The Licensing Authority cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives.

5.5 This Report was considered by the Legal Section on 9 July 2021 (Iken 10296-LDC-MW).

6 Risk management implications

6.1 In accordance with the Council's Risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. A failure by the Council to review and adopt a Statement of Licensing Policy contravenes Section 5 Licensing Act 2003 and renders it impossible for the Licensing Sector within the District to be properly administered and enforced.

7 Equality analysis

7.1 There are no Equality implications associated with this Report.

8 Environmental sustainability implications

8.1 There are no sustainability and/or carbon reduction implications associated with this Report.

9 Appendices

9.1 Appendix 1 - Proposed amended Statement of Licensing Policy

10 Background papers

10.1 Home Office Guidance Issued under Section 182 Licensing Act 2003



Lewes District Council

STATEMENT OF LICENSING POLICY

Licensing Act 2003

COMMENCES xx xxx 2022

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1. INTRODUCTION

Lewes District Council makes this Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003, 'the Act'.

Licensing is about regulating licensable activities on licensed premises, qualifying clubs and at permitted temporary activities.

1.1 THE SCOPE OF THIS POLICY COVERS THE FOLLOWING

- Retail sale of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

1.2 THE AIMS OF THIS POLICY ARE TO:

- Secure the safety and amenity of residential communities
- Help to ensure a sustainable environment and provide regulation of the cultural/entertainment industry
- Promote the Licensing Objectives as set out in the Act

1.3 THE LICENSING OBJECTIVES ARE:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

IN MAKING THIS POLICY, LEWES DISTRICT COUNCIL RECOGNISES THE NEED TO:

- Protect the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises,
- Give Police and Licensing Authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems,
- Provide a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area
- Encourage greater community involvement in licensing decisions and give local residents the opportunity to have their say regarding licensing decisions that may affect them.

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1.4 THIS STATEMENT PROVIDES GUIDANCE ..

to the police, applicants, objectors and residents on the general approach that the Council (acting through its Licensing Committee) will take when making licensing decisions.

The following will be taken into account when licensing decisions are being made:

- The Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives.
- Each licence application will be given individual consideration on its merits.
- When making its decisions, the Council will have regard to the matters contained in this Statement and to any Government guidance that is issued from time to time.
- That the Council will have regard to the provisions of the Human Rights Act 1998 and, in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions).
- That the Council will have due regard to its Equality Duty under the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender re-assignment, marriage and civil partnership (but only in respect of eliminating unlawful discrimination), pregnancy and maternity, race – this includes ethnic or national origins, colour or nationality, religion or belief – this includes lack of belief, sex (gender) and sexual orientation. In accordance with this Duty the Council publishes equalities information annually on the Council's website.
- That when exercising a licensing function, the Council will have due regard to its duty under section 17 of the Crime and Disorder Act 1998, the provisions of the Police Reform and Social Responsibility Act 2011, any local public service agreements relating to the reduction of public place violence, and the Immigration Act 2016.

1.5 This Statement takes effect on XX XX XXXX for a period of 5 years and will be kept under review and revised/amended as required, following consultation.

2. LOCAL FEATURES

2.1 Lewes District Council covers an area of 113 square miles (292 sq km) and is home to approximately 100,000 people. Bordered by the varied landscape of the Downs to the south and the Weald to the north, it has 9 miles (14.5 km) of coastline. From coastal strip to rural countryside, Lewes District comprises a rich mix of town and village communities. The District population is concentrated to the coast with half of all residents living in the towns of Seaford, Newhaven, Peacehaven, Telscombe Cliffs and East Saltdean, while inland Lewes is the County Town of East Sussex. There are also numerous villages and hamlets within the area, which vary in size and form, and the District has one of the fastest growing populations in the South of England.

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- 2.2 The main focus for licensed activities is in the Town Centres where there is a varied mix of premises from clubs, pubs, café/bars, restaurants, and large stores to smaller retail outlets for off licence sales. In the rural area there are a great number of village pubs, which are very much part of the community and supporting leisure and local activities.
- 2.3 Overall, the District has approximately 340 premises licensed under the Act, catering for the needs of the community and with few late-night venues, club culture at the moment is not highly developed or wide spread.

3. DELEGATION OF FUNCTIONS

Licensing decisions and functions may be taken or carried out by the Council's Licensing Committee or delegated to a Licensing Sub-Committee or in appropriate cases, officers of the Council. The scheme of delegation for dealing with licensing matters, under the Licensing Act 2003, is set out below:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for a personal licence		If police objection made	If no objection made
Application for personal licence with unspent convictions and police objection		All cases	
Determination of minor variation			All cases
Application for premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application for provisional settlement		If relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If police objection made	All other cases
Application for Interim Authorities		If police objection made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when Council is a consultee and not the Licensing Authority		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If police objection made	All cases
Determination of an objection to a temporary Event Notice		All cases	

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Decision to make a representation on behalf of the Licensing Authority			All cases
Application for authorisation of films already classified by British Board of Film Classification (BBFC)		All cases	
Application for authorisation of films not already classified by British Board of Film Classification (BBFC), or the Council			All cases

4. GENERAL STATEMENT OF GUIDING PRINCIPLES

- 4.1 The following principles have been adopted by the Council as a licensing authority. These principles will serve as a general guide to the Council when it carries out its licensing functions.

PRINCIPLE 1

Issues of nuisance, noise, public safety and crime and disorder associated with the character, number and proximity of licensed premises in any one area (cumulative impact) will be addressed by the means set out in paragraph 5.1.5 of this Statement. However, if there is evidence to suggest that these means are unsuccessful in combating the issues referred to above, then the Council will consider reviewing its policy with a view to restricting the grant of licences to new premises in the affected area.

PRINCIPLE 2

The Council acknowledges that longer opening hours can help to ensure that the number of people leaving licensed premises at the same time is reduced.

PRINCIPLE 3

The Council will limit the access of children to licensed premises where this is appropriate to protect them from harm.

5. THE PRINCIPLES IN DETAIL

5.1 PRINCIPLE 1

Issues of nuisance, noise, public safety and crime and disorder associated with the character, number and proximity of licensed premises in any one area (cumulative impact) will be addressed by the means set out in paragraph 5.1.5 of this Statement. However, if there is evidence to suggest that these means are unsuccessful in combating the issues referred to above, then the Council will consider reviewing its policy with a view to restricting the grant of licences to new premises in the affected areas.

5.1.1 This is intended to:

- Promote the prevention of crime and disorder
- Promote public safety
- Address the issue of cumulative impact

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- 5.1.2 The question of need for an additional licensed facility whether pub, club etc. is not covered by this policy but will be a matter for planning policies and strategies and for the area/district as a whole
- 5.1.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment (for large numbers of people) can be a source of crime and disorder and applicants are recommended to seek advice from the Council's Licensing Officer and the Police as well as taking into account local planning and transport policies, tourism, cultural and crime prevention strategies and local social demographic characteristics when preparing application and operation schedules which will be of benefit to the Licensing Authority when determining the application. Guidance regarding these policies and other specific local matters can be obtained from the Council's Licensing Officer – see contact details (paragraph 8)
- 5.1.4 The Council will support:
- diversity of premises to ensure a mix of a different type of licensed premises, particularly in areas where there is a high density of such premises
 - care and control of premises by effective management and supervision both within and outside the premises. This is a key factor in reducing crime and disorder and applicants for premises licences in particular should address these issues within their respective operating schedules
 - good quality training for staff employed within the licensing trade and the obtaining of the accredited licensing qualification for bar staff and personal licence holders. The Council believes that proper staff training plays an important role in the promotion of the licencing objectives
 - café bar conditions where the sale of alcohol and other beverages are by a waiter/waitress service for consumption by persons seated at tables or equivalent and substantial refreshments are available during operating hours.
- 5.1.5 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the licence holder, -the club or responsible person concerned. Nonetheless, it is a key aspect of such control and licensing plays a part in the management of the night-time economy. If there are problems in a particular area with nuisance, crime and disorder and those problems are associated with the character, number or proximity of licenced premises in the area, the Council will seek to address those problems by the following means:
- Planning Controls
 - The use of relevant and appropriate licence conditions.
(However, see paragraph 6.5)
 - Positive measures to create a safe and clean environment in partnership with local businesses, transport operations and other Council departments
 - Application of the powers of the Council to designate parts of the district

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as places where alcohol may not be consumed in public and the confiscation of alcohol from adults and children in such designated places

- Liaise with Police over the enforcement of disorder and anti-social behaviour, including the issue of fixed penalty notices
- The seeking of anti-social behaviour orders by the Council in appropriate cases
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk or under age
- Work in partnership with Police to utilise powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance.
- The Licensing Authority is not prepared to grant permission for outside patio/garden areas to be used by the public beyond 2300 hours throughout the district other than in exceptional circumstances. We do not consider a record of good management or financial considerations to constitute exceptional circumstances.

The list is not exhaustive of the measures that the Council may consider or take.

- 5.1.6 Any objection to a licence application or variation on the grounds of negative cumulative impact must be relevant and impact on one or more of the licensing objectives.
- 5.2 **PRINCIPLE 2**
The Council acknowledges that longer opening hours can help to ensure that the number of people leaving licensed premises at the same time is reduced.
- 5.2.1 This is intended to:
- promote the prevention of crime and disorder
 - promote public safety
 - promote the prevention of public nuisance
- 5.2.2 It is recognised by the Council that longer licensing hours (with regard to the sale of alcohol) may help to ensure that the number of customers leaving premises simultaneously is avoided. Fixed and artificially early closing times can encourage, in the case of sales of alcohol, rapid binge drinking close to closing times and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises at the same time.
- 5.2.3 However, there is no general presumption in favour of lengthening licensing hours. The four licensing objectives will be paramount considerations at all times and each case judged on its individual merits.

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- 5.2.4 Any person has a right to make representations concerning applications for premises licences and club certificates and hours of trading and to have those representations given due regard.
- 5.2.5 In each case that arises following objections/representations the Council will:
- consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities of the business involved and the rights of residents to peace and quiet
 - examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation
 - consider restricting the hours of trading in cases where there are good grounds for believing that the licensing objectives will be or are being undermined

5.3 **PRINCIPLE 3**

- 5.3.1 The Council will limit the access of children to licenced premises where this is necessary to protect them from harm.

This is intended to:

- promote the protection of children from harm
 - address the issue of children in licensed premises, including cinemas and other public entertainment
- 5.3.2 No policy can anticipate every issue of concern that could arise in respect of children with regard to individual premises. Consideration of the individual merits of each application are therefore the best mechanism for judging such matters.
- 5.3.3 The Council will take particular account when:
- there have been convictions for serving alcohol to minors
 - there is evidence of underage drinking
 - there is evidence of drug taking or dealing
 - there is a strong element of gambling
 - entertainment of an adult or sexual nature is commonly provided
 - the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at those premises
- 5.3.4 Complete bans will be rare, but the options for limiting the access of children, where appropriate, to prevent harm include:
- limitations on the hours when children may be present
 - age limitations (below 18 years)
 - limitations or exclusions when certain activities are taking place
 - requirements for an accompanying adult
 - full exclusion of people under 18 years from the premises when any licensable activities are taking place

- 5.3.5 The Council will not impose conditions that require licensed premises to admit

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children. Where it is not appropriate for a licensing restriction the decision to admit children will be a matter for the discretion of the individual licensee or club.

5.3.6 CHILDREN AND CINEMAS

In the case of premises giving film exhibitions, the Council expects licensees to impose conditions that children will be restricted from viewing age-restricted films classified in accordance with the recommendations of the British Board of Film Classifications or the Local Authority.

5.3.7 CHILDREN AND PUBLIC ENTERTAINMENTS

Where such entertainments are due to take place, the Council will expect an adequate number of adults to be present for health and safety reasons. The number of adults required should be calculated on the basis of a risk assessment. The Council will also take into account considerations such as the size of the venue, the number and ages of the children present and the type of activity involved.

6. OTHER CONSIDERATIONS

6.1 LIVE MUSIC, DANCING & THEATRE

The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefits of the community. The Council will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children, and will not allow the views of the few to predominate over the general interests of the community.

The Council will only attach licence conditions that are reasonable, proportionate and appropriate for the promotion of the licencing objectives. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre for example by imposing indirect costs of a disproportionate nature.

The Council is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. The Council wishes to encourage them for the benefit of all.

6.2 SHOPS, STORES AND SUPERMARKETS

~~6.2.1 Shops, stores and supermarkets should be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open.~~

~~6.2.2 The Council will generally permit the sale of alcohol when the retail outlet is open for shopping.~~

~~6.2.3 In certain circumstances, however, it may be appropriate to impose a limitation, for example, following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.~~

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- 6.2.1 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the period they are open for general trading, unless there are good reasons, based on the licensing objectives, for restricting those hours.
- 6.2.2 In certain circumstances, however, it may be appropriate to impose a limitation, for example, when representations are received. ~~in the case of some shops known to be a focus of disorder and disturbance because youths gather there.~~
- 6.2.3 Mindful of the details contained in Principles 1,2 and 3 we do not anticipate granting permission to such establishments (described in 6.2.1) for the sale of alcohol outside the hours of 0600hrs to 2300hrs save in exceptional circumstances. We do not consider a record of good management or financial considerations to constitute exceptional circumstances.
- 6.2.4 When determining an application for a premises licence the Council has no obligation to consider the rights of workers employed. These are covered by separate legislation.
- 6.2.5 The impact on workers of extended hours permitted by a premises licence is a contractual matter to be resolved between the employer and employee, and the Council will not seek to intervene in these matters.

6.3 INTEGRATION OF STRATEGIES

- 6.3.1 The Council is ensuring that this Statement of Policy integrates with crime prevention, anti-social behaviour, planning, transport, tourism and cultural strategies by:
- Having regard to the Lead Agency Protocol drawn up between Sussex Police, Local Authorities, the Fire and Rescue Service and Trading Standards.
 - Liaising and consulting with Sussex Police, with the Crime and Community Disorder Reduction Partnership and by following the guidance in community safety and crime disorder strategies
 - Liaising and consulting with East Sussex Fire and Rescue Service and by following the guidance in fire safety strategies and protocols
 - Liaising and consulting with the Local Strategic Partnership and Area Partnerships
 - Liaising and consulting with the Planning Authority
 - Liaising and consulting with the Highway Authority
 - Liaising and consulting with the Local Health Authority
 - Liaising and consulting with the Immigration Authority
 - Liaising and consulting with tourism, stakeholder and business groups such as the local Chamber of Commerce
 - Liaising and consulting with East Sussex County Council's Trading Standards Department
 - Having regard to any future guidance issued in relation to the Private

Appendix 1

Security Industry Act 2001 including any liaison or information sharing protocols

- 6.3.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies (however see paragraph 6.5).

Such conditions may include:

- the use of closed circuit television cameras
- the provision and use of shatterproof drinking containers
- a drugs and weapons search policy
- the use of registered door supervisors under Private Security Industry Act 2001
- specialised lighting requirements
- restrictions on hours opening

- 6.3.3 Certificates issued to club premises will reflect local crime prevention strategies and may include any or all of the requirements listed above. Account will also be taken of any public spaces protection orders and guidelines that regulate street drinking.

- 6.3.4 Club owners and promoters will be expected to have regard to safer clubbing guidance for Licencing Authorities, club managers and promoters. The Council will ensure that licenced premises are designed and run in a way that maximises the safety of customers and staff.

- 6.3.5 The Council will take account of the need to disperse people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance. The Council will also take into account any protocols agreed between the police and other licencing enforcement agencies.

- 6.3.6 The Council's planning and licencing regimes are separate, they involve consideration of different (albeit related) matters. The Licencing Committee will not consider representations that relate to planning rather than licencing issues and will not be bound by decisions that are made by the Planning Committee, and vice versa.

- 6.3.7 The grant of a premises licence shall not be regarded as an indication that planning permission or building regulations approval has been (or will in the future be) granted. A separate application for planning consent, change of use and/or building regulations approval must always be made. Ideally, planning consent should be obtained before a licencing application is submitted.

6.4 OTHER LEGISLATION

- 6.4.1 This policy shall avoid duplication with other regulatory regimes wherever possible. In this regard, reference shall be made to the following :

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6.4.2 HEALTH AND SAFETY

The Council's Environmental Health inspection staff will normally have visited licenced premises to assess/enforce health and safety requirements.

Certain premises will fall outside the responsibility of the Environmental Health Department and will be subject to regulation/enforcement by the Health and Safety Executive (HSE).

Health and Safety regulations impose a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated regulations will not be addressed by the imposition of licensing conditions unless they are appropriate for the promotion of the licencing objectives.

6.4.3 SMOKING

The Health Act 2006 introduced the smoke free provisions that protect employees and the public from the harmful effects of second hand smoke. The Council will be responsible for enforcing these provisions and will offer information advice and support to businesses so they can meet their legal obligations. Managers of licensed premises will have a legal responsibility to prevent smoking.

6.4.4 FIRE SAFETY

Operators of licensed premises have duties under various fire safety regulations and the same considerations as above will apply.

6.4.5 FOOD HYGIENE

Premises selling alcohol and/or premises engaged in a food business will be registered with Lewes District Council and subject to risk-based food hygiene inspections at regular intervals.

6.4.6 NOISE

Statutory and Public nuisances are dealt with by the Environmental Health Department under the Environmental Protection Act 1990 and associated legislation. Noise from commercial premises may also be covered by the legislation.

6.4.7 WASTE

Complaints relating to the accumulation and storage of waste will be dealt with by the Council under the provisions of any appropriate legislation.

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6.5 STANDARD CONDITIONS

If a responsible authority or any other person does not raise any representations about a licencing application made to the Council, it is the duty of the Council to grant the licence or Club Premises Certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself.

The Council may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representations. It may then only impose such conditions that are appropriate to promote the licensing objectives arising out of consideration of the representations.

The Council will tailor its own conditions to the size, type, location and characteristics and activities taking place at the premises concerned.

6.6 REVIEW AND ENFORCEMENT

- 6.6.1 The Licensing Authority is a responsible authority under the Licensing Act and can make representations and call a review. The Licencing Authority through the Licencing Officer will always pursue partnership working between agencies and other responsible authorities to resolve problems and concerns regarding premises under the licencing objectives.
- 6.6.2 Enforcement of the licensing law, public safety and the inspection of licensed/club premises will be undertaken by the relevant authorities in accordance with local agreements between Sussex Police, East Sussex Fire & Rescue Service, Trading Standards and the Licencing Authorities in Sussex.
- 6.6.3 Attention is drawn to the targeting of agreed problems and high risk premises requiring greater attention as may be identified from time to time by the relevant enforcement agencies. Inspections of premises will be on a risk assessed basis, to be undertaken when and if necessary.
- 6.6.4 The provisions set out in the Act for calling a review or making representations represent a key protector for the community where there are concerns about an application or problems associated with premises under crime and disorder, public safety, public nuisance and the protection of children from harm.
- 6.6.5 Following the grant of a premises licence or club certificate a responsible authority or any other person regardless of where they live, may ask the Council to review the licence/club certificate because of matters arising at the premises in connection with any of the four licensing objectives.
- 6.6.6 In every case, the application for a review must relate to particular premises for which a premises licence or club certificate is in existence and must be relevant to the promotion of the licencing objectives.

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- 6.6.7 The Council will endeavour to give licence/certificate holders early notification of their concerns about problems identified at particular premises in partnership with the other enforcement agencies. This does not affect the right of any other person to call a review under the provisions of the Act.
- 6.6.8 Where concerns are raised by residents or any other person about an application or grounds to seek a review the Licencing Authority would expect those affected parties to make a relevant representation or apply for a review in their own right.
- 6.6.9 The Licencing Authority may choose to exercise its powers as a responsible authority and to call a review or make representations in any situation that it deems appropriate on the merits of any individual case.

6.7 ADVERTISING APPLICATIONS

- 6.7.1 In addition to advertising an application for a new or variation to an existing Premises Licence or Club Premises Certificate at the site, an application must be placed in a newspaper relevant to the area in which the premises is situated. In cases of doubt, advice must be sought from the Licensing Team.
- 6.7.2 The Lewes District Council area has full newspaper coverage by the Sussex Express. The Licensing Authority considers that as a newspaper covers the entirety of the district, such adverts will be placed with this publication. It will not accept adverts placed in any other publication.

7. LATE NIGHT LEVY

Following the introduction of the Police Reform and Social Responsibility Act 2011 the licensing authority may introduce a late night levy. The levy would relate to a late night supply period which begins at or after midnight and ends at or before 6am. Any premises which are not subject to an exemption who supply alcohol during the supply period on any night of the year would be required to pay the late night levy, the level of which is based on rateable value. The late night levy will not be introduced without the required consultation as detailed in the legislation and accompanying guidance.

At present the Council does not propose to introduce a Late Night Levy

8. EARLY MORNING RESTRICTION ORDER (EMRO)

Following the introduction of the Police Reform and Social Responsibility Act 2011, if the licensing authority considers it appropriate for the promotion of the licensing objectives it can make an early morning alcohol restriction order.

An order would mean that any premises licence, club premises certificate or temporary event notice that authorises the sale of alcohol during the period specified in the order would not have effect. The period specified must begin no earlier than midnight and end no later than 6am.

At present the Council does not propose to introduce an Early Morning Restriction Order

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9. DETAILS OF RESPONSIBLE AUTHORITIES

As well as applying to the Council in the prescribed manner, copies of each licence application must be served on the following authorities by the applicant:

The Licencing Officer
Bexhill Police Station
Terminus Road
Bexhill-on-Sea
East Sussex
TN39 3NR
T 0845 6070 999

The Chief Officer
East Sussex Fire & Rescue Service
Fire Safety Department
Lewes Fire Station
North Street
Lewes
East Sussex
BN7 2PE
T 01323 462132/462154

Head of Children's Safeguards and Quality Assurance PO
Box 5 East Sussex County Council
County Hall
Lewes
East Sussex
BN7 1SW
T 01273 481000

Planning Officer
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB
T 01273 471600

Head of Trading Standards
St Mary's House
52 St Leonards Road
Eastbourne
East Sussex
BN21 3UU
T 01323 418200

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The Health & Safety Officer
Environmental Health
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB
T 01273 471600

Public Health Authority
Helen Foreman
Public Health Network and Business Manager
E1C County Hall
St Anne's Crescent
Lewes
East Sussex
BN7 1UE
T 0345 60 80 190

Alcohol Licensing Team
Home Office (Immigration)
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
E Alcohol@homeoffice.gsi.gov.uk

10 CONTACT DETAILS

Members of the public can obtain advice and help about this policy, the review procedures or other matters concerning whether or not activities fall to be licenced by contacting the Licencing Officer, Lewes District Council, Southover House, Southover Road, Lewes, East Sussex, BN7 1AB

Telephone 01273 471600
Email licensing@lewes-eastbourne.gov.uk

Further information can also be found on the Council's website :
www.lewes-eastbourne.gov.uk

Advice and guidance may also be sought from the Police and Fire and Rescue Service by contacting them direct.

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Report to:	Licensing Committee
Date:	29 July 2021
Title:	Review of the Lewes District Council Gambling Act Statement of Principles
Report of:	Director of Service Delivery
Ward(s):	All
Purpose of report:	To review the Lewes District Council Gambling Act Statement of Principles and agree a six-week public consultation.
Officer recommendation(s):	<p>(1) The Committee review the Lewes District Council Gambling Act Statement of Gambling Principles.</p> <p>(2) The Committee authorise the Senior Specialist Advisor (Regulatory Services) to start a six-week consultation with the public, trade and interested bodies.</p> <p>(3) That following the consultation period the Customer First Resolution Team Operational Manager (Regulatory and Place) in conjunction with the Chair of the Licensing Committee, be delegated to consider the consultation responses and make any minor changes to the Statement of Gambling Principles and then recommend the same to Full Council for approval. That in the event of substantial changes being suggested by the consultation to the Statement of Gambling Principles that a report be brought back to a Licensing Committee.</p>
Reasons for recommendations:	Statutory requirement to review the Statement of Principles every three years.
Contact Officer(s):	Name: Paul Thornton Post title: Specialist Advisor (Regulatory Services) E-mail: paul.thornton@lewes-eastbourne.gov.uk Telephone number: 01323 514140

1 Introduction

- 1.1 The Gambling Act 2005 (“the Act”) requires Licensing Authorities to prepare and publish for a three-year period, a Statement of Gambling Principles for their area which apply when exercising its functions under the Act.

- 1.2 The Act places a duty on the Licensing Authority to develop a Statement of Gambling Principles that promotes the three licensing objectives:
- 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
- 1.3 The current Statement of Gambling Principles was approved by Full Council after review and public consultation and came into effect on 25th February 2019.
- 1.4 The Act requires Licensing Authorities to review the Statement of Principles every three years.
- 1.5 The amended Statement of Principles attached as Appendix A will be the subject of a 6-week consultation which will include members of the trade, responsible authorities, current licence holders and elected members.
- 1.6 Further details of who will be consulted can be found on page 4 of the Statement of Principles (Appendix 1).

2 Changes to the Statement of Principles

- 2.1 There are no significant changes to the Statement of Principles.
- 2.2 There is a minor amendment to the procedure for obtaining a permit for three or more Gaming Machines in Licensed Premises. (Part C, Section 2 - Permit 3 or more machines. Appendix 1)
- 2.3 Currently Premises licensed for the sale of alcohol for consumption on site are permitted to have two Gaming Machines of Category C or D. To have three or more, an application must be made to the Licensing Authority.
- 2.4 The current Statement requires applicants to show how the extra machines will be monitored and those under 18 will be prevented from using them.
- 2.5 The amendment adds a requirement by the applicant to supply a plan of the premises showing the intended positions of the extra machines. This will assist the Council when determining the application for the maximum supervision of the machines by the premises staff.
- 2.6 The change is highlighted in Part C Section 2 of the Statement in Appendix 1.
- 2.7 The draft of the amended Statement of Principles is included at Appendix 1 and will be published for a six-week consultation period starting on the XXXXXXXX. We propose to consult with the Chief Officer for Sussex Police, representatives of those in the Gambling Trade, those likely to be affected by the authority's functions, and through Public Consultation via www.lewes-eastbourne.gov.uk.

3 Financial Impact

3.1 There are no additional financial implications to this report.

4 Legal implications

4.1 Under section 349 Gambling Act 2005 a licensing authority shall before each successive period of three years prepare a statement of the principles which they will apply in exercising their functions under the Act during that period. The same section states that the Licensing Authority shall consult with the Chief Officer of Police, those who represent the interests of people carrying on gambling businesses in the authority's area and those who appear to the authority to represent the interests of people who are likely to be affected by the exercise of the authority's functions.

4.2 The Licensing Authority should also take account of The Gambling Act 2005 (Licensing Authority Policy Statement) Regulations 2006 which states the legal rules for the form of the Statement and the procedure to be followed in preparing and publishing a Statement.

4.3 This Report was considered by the Legal Section on Iken 10269-LDC-MW

5 Risk management implications

5.1 In accordance with the Council's Risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. A failure by the Council to review and adopt a Statement of Principles contravenes Section 349 Gambling Act 2005 and renders it impossible for the Gambling Sector within the District to be properly administered and enforced.

6 Equality analysis

6.1 There are no Equality implications associated with this Report.

7 Environmental sustainability implications

7.1 There are no sustainability and/or carbon reduction implications associated with this Report.

8 Appendices

8.1 Appendix 1 - Proposed new Gambling Act 2005 Statement of Principles

9 Background papers

9.1 Gambling Commission Guidance to Licensing Authorities

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Lewes District Council

LEWES DISTRICT COUNCIL

STATEMENT OF GAMBLING PRINCIPLES

Gambling Act 2005

Gambling Act 2005 Licensing Authority Policy Statement to take effect from 31st
January 2022 for 3 years

Lewes District Council
Licensing Section
Southover House
Southover Road
Lewes
East Sussex BN7 1AB

customerfirst@lewes-eastbourne.gov.uk
Telephone number: 01273 471600

DRAFT V1 30.6.2021

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This Statement of Licensing Principles was approved by **Lewes District Council** on (proposed)

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5th edition.

<https://www.gamblingcommission.gov.uk/print/guidance-to-licensing-authorities>

Appendix 1

PART A

1. The Licensing Objectives

In exercising most of our functions under the Gambling Act 2005, we, as the licensing authority, must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that, as per Section 153, 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 Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

2. Introduction

Lewes District covers an area of 292 square kilometres, much of which forms part of the Sussex Downs Area of Outstanding Natural Beauty and around half, including the historic County Town of Lewes is included in the South Downs National Park. We have 14.5 km of coastline running between the outskirts of Eastbourne and Brighton.

Most of the District's 99,479 residents live in the four main urban areas (Lewes, Peacehaven and Telscombe, Newhaven and Seaford), with around 14% living in the many villages, hamlets or isolated settlements.

We are required by the Gambling Act 2005 to publish a statement of the principles which we propose to apply when exercising our functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

List of persons this authority consulted:

- Sussex Police Service
- The Gambling Commission
- East Sussex County Council Child Protection Services;
- East Sussex County Council Adult Social Services;
- Primary Healthcare Care Trust

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- Gambling Industry Trade Associations;
- Representatives of Local Businesses/Chamber of Commerce
- The Bingo Association
- GamCare
- Racecourse Association Ltd
- Plumpton Racecourse
- British Holiday & Park Homes Association
- Lewes District Councillors
- Tourism and Community Services from the District
- Public Consultation via www.lewes.gov.uk

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

Proposed: The consultation took place from [xxxxxxxxxxxxxxxxxx](#). The Statement was published via our website and copies placed at Lewes District Council Reception, Southover House, Southover Road, Lewes to invite comment. As part of the process, the HM Government Code of Principles was considered:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

The full list of comments made in relation to the consultation consideration by the Council of those comments is available by request to customerfirst@lewes-eastbourne.gov.uk

Proposed: The final Statement of Gambling Principles was approved at a meeting of the Full Council on [xxxxxxx](#), and came into effect and published via our website on [xxxxxxx](#).

3. Declaration

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

4. Responsible Authorities

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

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, we designate the Children, Families and Schools section, Children's Safeguard & Quality Assurance, East Sussex County Council for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are at Appendix A .

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing

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licence at any time. These parties are defined in the Gambling Act 2005 as follows:

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

We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. Our principles are:

Each case will be decided upon its merits.

This authority will not apply a rigid rule to its decision making. We will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities. We will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person 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, we will generally require written evidence that a person/body (e.g. an advocate / 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 sufficient.

- 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. If there are any doubts then please contact the licensing department at Lewes District Council, Southover House, Southover Road, Lewes BN7 1AB (e.mail customerfirst@lewes-eastbourne.gov.uk , telephone 01273 471600).

We will not take into account representations which are:

- Repetitive, vexatious or frivolous
- From a rival business where the basis of the representation is unwanted competition
- Moral objections to gambling
- Concerns about the expected demand for gambling
- Anonymous

Details of applications and representations referred to a Licensing Sub Committee for determination will be published in reports that are made publically available and placed on the Councils website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will, however, be removed from representations in the final website version of reports.

Names and addresses of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of public safety where the Licensing Authority is specifically asked to do so.

6. Exchange of Information

We are required to include in our statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between ourselves

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and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between ourselves and the other persons listed in Schedule 6 to the Act.

The principle we apply is that we will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. We will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

We are required by regulation under the Gambling Act 2005 to state the principles to be applied by ourselves 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.

Our principles are that:

We will be guided by the Gambling Commission's Guidance to Licensing Authorities 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.

As per the Gambling Commission's Guidance to Licensing Authorities we will endeavour to avoid duplication with other regulatory regimes so far as possible.

We have adopted and implemented a risk-based inspection programme, based on;

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

The main enforcement and compliance role for us as a licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which we authorise. 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 ourselves but should be notified to the Gambling Commission.

We also keep ourselves informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, our enforcement/compliance protocols/written agreements are available upon request to Lewes District Council, Licensing Section, Southover House, Southover Road, Lewes BN7 1AB. E.mail: customerfirst@lewes-eastbourne.gov.uk.

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8. Licensing authority functions

We as the licensing authority 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* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that we are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

We are aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think 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 the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be

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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 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, licensing authorities should 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 observed.

The Gambling Commission states in its Guidance to Licensing Authorities 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. 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."

We take particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular 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.
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- 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?

We will consider these and other relevant factors in making our decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (defined as any bridge, road, lane, footway, subway, square, court, alley, or passage whether a thoroughfare or not). No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons

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- 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 or from another 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 premise 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 Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

The Guidance states 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.

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.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, we will determine applications on their merits, applying a two stage consideration process:-

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- First, whether the premises ought to be permitted to be used for gambling
- Second, 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.

Applicants should note that we are entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

(iv) Location – We are 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 our decision-making. As per the Gambling Commission’s Guidance to Licensing Authorities, we 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. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. 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.

The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission’s Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measure to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement. The LCCP say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee’s premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

The council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

(v) Planning:

The Gambling Commission Guidance to Licensing Authorities states:

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, i.e. 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.

We will not take into account irrelevant matters as per the above guidance. In addition we note the following excerpt from the Guidance:

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When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 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 - We seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. We 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.

When dealing with a premises licence application for finished buildings, we 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 - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Gambling Commission's Guidance to Licensing Authorities 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 – We are aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime we 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. We are 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.

Ensuring that gambling is conducted in a fair and open way – We have noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – We have noted the Gambling Commission's Guidance 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). We will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

We are also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble

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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 impairment, alcohol or drugs.” We will consider this licensing objective on a case by case basis.

Conditions - 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.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures we 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. We will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

We 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.

We 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.

We are 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 Gambling Commission's Guidance, we 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.

It is noted that there are conditions which we 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 Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

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Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities 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.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be Security Industry Authority licensed 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.

2. Adult Gaming Centres

We 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 us that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

We 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
- 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:

We 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 us, 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.

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

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

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

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

4. Casinos

We have not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but are aware that we have the power to do so. Should we decide in the future to pass such a resolution, we will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

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

We 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 (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 offer.

5. Bingo premises

We note that the Gambling Commission's Guidance states:

Licensing authorities will 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.

We also note the Guidance 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 the Category B gaming machine entitlement in only one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

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. Betting premises

We 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 (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 offer.

7. Tracks

We are 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 Gambling Commission's Guidance, we 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.

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This authority will therefore expect the premises licence applicant 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.

This licensing 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
- 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.

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will 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 (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 proposes to offer.

Applications and plans

The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity

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 such areas.

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.

We appreciate 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 in order

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for us to satisfy ourselves 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. Travelling Fairs

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

We will also consider whether the applicant falls within the statutory definition of a travelling fair.

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. We will work with our neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

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.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

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.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made. Tracks do not require an operating licence.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. We will be constrained in the matters we 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 authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant’s circumstances.

In addition, we 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;

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- 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 licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for us 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 Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

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

We can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which we think is appropriate.

Once a valid application for a review has been received by ourselves, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application is received us, and we will publish notice of the application within 7 days of receipt.

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

The purpose of the review will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to us are:-

- (a) add, remove or amend a licence condition imposed by the licensing 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.

In determining what action, if any, should be taken following a review, we must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, we may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, we must, as soon as possible, notify our decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and

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- Her Majesty's Commissioners for Revenue and Customs

PART C **Permits / Temporary & Occasional Use Notice**

1. Unlicensed Family Entertainment Centre gaming machine permits

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to us 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

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

We will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. 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. We will also expect, as per Gambling Commission 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. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify ourselves as the licensing authority.

We can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and we must consider

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that application based upon the licensing objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

~~We consider 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 harm or being exploited by gambling and will expect the applicant to satisfy us that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy us 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.~~

Measures taken by the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

The council will expect applicants to offer their own measures to meet the licensing objectives.

However, appropriate measures may cover issues such as:

- the adult machines being in sight of the bar
- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18; notices and signage;
- the provision of information leaflets or helpline numbers for organisations such as GamCare.
- Applicants must submit a plan showing the precise location of all machines applied for under this section. The plan should be the same version as that currently submitted with the Licensing Act 2003 Premises Licence

If it is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, the council will refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.

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.

It should be noted that we 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.

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

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

We have prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;

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- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making our decision on an application for this permit we do not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but we 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. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming 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.

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

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

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

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. 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".

In considering whether a place falls within the definition of "a set of premises", we need to look at, amongst other things, the ownership/occupation and control of the premises.

We expect 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, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices:

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

Appendix A

Contact details of Responsible Authorities:

Licensing Authority
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex BN7 1AB
Tel: 01273 471600
Email customerfirst@lewes-eastbourne.gov.uk

Planning Authority
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex BN7 1AB
Tel: 01273 471600

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The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tele: 0121 230 6500
Email info@gamblingcommission.gov.uk

East Sussex Fire & Rescue Service
Fire Safety Department
Lewes Fire Station
North Street
Lewes
East Sussex BN7 2PE
Tel: 0303 999 1000

Head of Childrens Safeguards and Quality Assurance
East Sussex County Council
PO Box 5, County Hall
St Anne's Crescent
Lewes
East Sussex BN7 1SW
Tel: 01273 481000

The Licensing Officer
Bexhill Police Station
Terminus Road
Bexhill on Sea
East Sussex
TN39 3NR
Tel: 101

Environmental Health
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex BN7 1AB
Tel: 01273 471600

HM Customs & Revenue
Crown House
11 Regent Hill
Brighton
East Sussex BN1 3ES
Tel: 0845 300 0627

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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>

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	<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.

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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

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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 (when appropriate)		At Cabinet	
Application for premises licence		If a representation made	If no representation made
Application for a variation to a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/club machine permits		If a representation made	If no representation made
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination whether a Hearing needs to be held			X
Determination whether a representation is relevant			X
Determination of an appropriate Hearing procedure			X