



# EASTBOURNE BOROUGH COUNCIL STATEMENT OF GAMBLING PRINCIPLES 2022 - 2025

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

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**DRAFT V2 08.11.2021**

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This Statement of Licensing Principles was approved by **Eastbourne Borough Council**

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5<sup>th</sup> Edition.*

## 1.0 Introduction

The Gambling Statement of Principles sets out how Eastbourne Borough Council, acting as the Licensing Authority for gambling, intends to exercise its functions under the Gambling Act 2005 for the next three years. The Policy, which incorporates the 'Statement of Principles' as required by the Act, has been prepared having regard to the Licensing Objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and stakeholders' comments.

The ability of the Council to regulate gambling activities in the Borough provides an opportunity for the Council and its partners to have more direct influence on the determination of licence applications. Residents who are, or who could be, affected by the premises providing gambling will have an opportunity to influence decisions and the Council will be able to work with others to protect children and vulnerable people from being harmed or exploited by gambling activities.

Gambling is defined in the Act as either gaming, betting or taking part in a lottery:

- 'Gaming' means playing a game for the chance to win a prize;
- 'Betting' means making or accepting a bet on the outcome of a race, competition or other event;
- the likelihood of anything occurring or not occurring;
- whether something is true or not;
- a 'Lottery' is where participants are involved in an arrangement where prizes are allocated wholly by a process of chance.

The responsibility for regulating gambling is shared between the Gambling Commission and Local Authorities. The Gambling Commission is responsible for issuing operating licences to organizations and individuals who provide facilities for gambling and personal licences to persons working in the gambling industry. The Commission will take the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating and personal licence requirements. The Commission will also be responsible for remote gambling activities such as facilities provided via the Internet, television or radio.

The main functions covered by Licensing Authorities are:

- licensing premises for gambling activities;
- considering notices for the temporary use of premises for gambling;

- granting permits for gaming and gaming machines in clubs;
- regulating gaming and gaming machines in alcohol licensed premises;
- granting permits for family entertainment centers with lower stake gaming machines;
- granting permits for prize gaming;
- considering occasional use notices for betting at tracks;
- registering small lotteries.

## **2.0 Geographical Area**

2.1 Eastbourne Borough Council is situated in the County of East Sussex, which contains five Local Authorities in total. Eastbourne Borough Council has within its administration a population of 99,400 persons making it the second most populous Local Authority in the County. In terms of area it is the second smallest, covering 4532 hectares.

2.3 Licensing authorities are required by the Gambling Act 2005 to publish a Statement of the Principles which they propose to apply when exercising their functions under the Act. This Statement must be consulted upon and 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.

## **PART A**

### **1.0 The Licensing Objectives**

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

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- 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".

1.2 This Licensing Authority is aware that, as per Section 153, in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- Is in accordance with any relevant code of practice issued by the Gambling Commission;
- Is in accordance with any relevant guidance issued by the Gambling Commission;
- Is reasonably consistent with the licensing objectives
- Is in accordance with the Authority's Statement of Gambling Principles .

1.3 Eastbourne Borough Council consulted widely on this Statement before finalising and publishing it. A list of those persons consulted is provided below.

1.4 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.

1.5 List of persons this Authority consulted:

- Sussex Police Service;
- Eastbourne Borough Council Planning Team;
- East Sussex County Council Child Protection Services;
- Primary Healthcare Care Trust;
- East Sussex County Council Adult Social Services;
- Gambling Industry Trade Associations;
- Eastbourne Resident and Community Group Associations;
- Eastbourne Borough Council Economic Development Team;
- Eastbourne Borough Council Tourism Development Team;
- Eastbourne Hospitality Association.
- Eastbourne Chamber of Commerce
- Eastbourne Borough Councillors
- GamCare
- The Gambling Commission

1.6 The consultation took place from 9 August to 20 September 2021. The Statement was published via our website with an online survey 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>

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

1.8 The final Statement of Principles was approved at a meeting of the Full Council on **xxxxxxx** and was published via our website on **xxxxxxx**.

1.9 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. Each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

## 2.0 Declaration

- 2.1 In producing the final statement, this Licensing Authority declares that it has had regard to the Licensing Objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the Statement.

### **3.0 Responsible Authorities**

- 3.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
  - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 3.2 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the East Sussex Local Safeguarding Children Board for this purpose.
- 3.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at **Appendix 3**.

### **4.0 Interested parties**

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

- 4.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits.
  - This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities
  - It 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.
  - Where it deviates from the Commission's guidance, the Authority will detail its reasons for doing so.
- 4.3 Interested parties can also be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represent the Ward likely to be affected.
- 4.4 Other than these however, this Authority 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.
- 4.5 If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Department.
- 4.6 The Licensing Authority 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.

4.7 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.

4.8 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.

## **5.0 Exchange of Information**

5.1 Licensing Authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act. This relates to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

5.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information to include the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority 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.

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

## **6.0 Enforcement**

6.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under

Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 6.2 This Licensing Authority's principles are that it 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.
- 6.3 As per the Gambling Commission's Guidance to Licensing Authorities, this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 6.4 This Licensing Authority has adopted and implemented a risk-based inspection programme, based on;
- The Licensing Objectives
  - Relevant Codes of Practice
  - Guidance issued by the Gambling Commission
  - The principles set out in this Statement of Licensing Policy
- 6.5 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licence and other permissions which it authorises.
- 6.6 The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

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

6.8 Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to EBC, Customer First, 1 Grove Road, Eastbourne, East Sussex, BN21 4TW Email: [customerfirst@lewes-eastbourne.gov.uk](mailto:customerfirst@lewes-eastbourne.gov.uk)

## **7.0 Licensing Authority Functions**

- 7.1 We as a 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 the prescribed thresholds
  - Issue Prize Gaming Permits
  - Receive and endorse Temporary Use Notices
  - Receive Occasional Use Notices for betting tracks
  - Provide information to the Gambling Commission regarding details of licences, permits and other permissions issued
  - Maintain registers of the permits and licences that are issued under these functions

## **8.0 Illegal Gaming Machines**

- 8.1 The Licensing Authority has particular concerns about illegally cited "gaming machines." The provision of these machines may be illegal because they are:
- Provided in prohibited places such as takeaways and taxi offices;
  - Provided without a relevant permit;
  - The gaming machines are provided from an unregistered supplier and/or are uncategorised.
- 8.2 There are a variety of reasons why the provision of gaming machines may be illegal and operators are advised to seek the advice of the Licensing Authority or the Gambling Commission before making them available.
- 8.3 In circumstances where illegal machines are being provided, the following actions may be taken by the Authority.
- Initial enforcement, visit and verbal/written warning issued to remove the machines;
  - Removal of the machines by the Licensing Authority or in partnership with the Gambling Commission and/or Sussex Police
  - Prosecution and/or destruction of machines.

**PART B**  
**Premises Licences**  
**Consideration of Applications**

**1.0 General Principles**

1.1 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**

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's Statement of Licensing Policy.

1.3 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"**

1.4 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 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.

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

1.6 This Licensing Authority takes 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 named on the premises licence.

1.7 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?

1.8 This Authority will consider these and other relevant factors in making its 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 (as defined at 7.23 of the Guidance;)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

### **Adult Gaming Centre**

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

### **Betting Shops**

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) 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.

1.9 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"**

1.10 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.

1.11 In accordance with the guidance and case law, 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.



- 1.12 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- First, whether the premises ought to be permitted to be used for gambling;
  - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.13 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 1.14 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

**(iv) Location**

- 1.15 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the Licensing Objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 1.16 Should further legislative amendments be forthcoming this statement will be updated.

**(v) Planning**

- 1.17 The Gambling Commission Guidance to Licensing Authorities states at 7.59

"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.”

- 1.18 This Authority will not take into account irrelevant matters as per the above guidance. In addition, this Authority notes the following excerpt from the Guidance:

“7.66 - 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**

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

**Licensing objectives**

- 1.21 Premises licences granted must be reasonably consistent with the Licensing Objectives. With regard to these objectives, this

Licensing Authority has 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**

- 1.22 This Licensing Authority is 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, this Authority will consider carefully whether gambling premises are suitable to be located there, and whether conditions may be suitable such as the provision of door supervisors.
- 1.23 In accordance with the view of the Gambling Commission, this Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

### **Ensuring that gambling is conducted in a fair and open way**

- 1.24 This Licensing Authority has 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' sections (see pages 15 and 24).

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

- 1.25 This Licensing Authority has noted the Gambling Commission's Guidance, which identifies 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).

- 1.26 The Licensing Authority 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.
- 1.27 This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this Licensing Objective, in relation to specific premises.
- 1.28 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 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."
- 1.29 This Licensing Authority will consider this Licensing Objective on a case by case basis.

## **2.0 Conditions**

- 2.1 Under the Gambling Act 2005 premises are subject to robust mandatory and default conditions. In the vast majority of applications, these conditions will be sufficient. Any further additional conditions will only be required where there are specific risks within a locality 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.
- 2.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need. This may include the use of door supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below.

- 2.3 This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 2.4 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the Licensing Objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 2.5 This Licensing Authority 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.
- 2.6 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 2.7 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 2.8 As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third Licensing Objective, and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 2.9 It is noted that there are conditions which the Licensing

Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the 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.

### **3.0 Door Supervisors**

3.1 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.

3.2 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 (SIA) 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 (as per the Guidance, Part 33).

### **4.0 Adult Gaming Centres**

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

4.2 This Licensing Authority may consider measures to meet the Licensing Objectives such as:

- Proof of age schemes;
- Close Circuit Television Cameras (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.

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

## **5.0 (Licensed) Family Entertainment Centres:**

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

5.2 This Licensing Authority may consider a range of 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.

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

5.4 This Licensing Authority 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.

5.5 This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences,

when they have been published.

## **6.0 Casinos**

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

### **Casinos and competitive bidding – Small/Large casinos**

- 6.2 This Licensing Authority is aware that where a Licensing Authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino.
- 6.3 In such situations the Local Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, as well as following the procedure set out in Part 17 of the Guidance.
- 6.4 Licence considerations / conditions – This Licensing Authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.
- 6.5 Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (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.



## **7.0 Bingo premises**

7.1 This Licensing Authority notes that the Gambling Commission's Guidance at 18.4 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."

7.2 This Authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

7.3 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.

## **8.0 Betting premises**

8.1 Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (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.

## **9.0 Tracks**

9.1 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling

Commission's Guidance, this Licensing Authority 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.

- 9.2 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.
- 9.3 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.
- 9.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 9.5 **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.
- 9.6 **Betting machines** - This Licensing Authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (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.

## **10.0 Applications and plans**

- 10.1 The Gambling Act (Section 51) 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. (See Guidance to Licensing Authorities, para 20.28).
- 10.2 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. (See Guidance to Licensing Authorities, para 20.29).
- 10.3 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).
- 10.4 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. (See Guidance to Licensing Authorities, para 20.32).
- 10.5 This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

10.6 The Council will need to be satisfied 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.

## **11.0 Travelling Fairs**

11.1 This Licensing Authority is 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.

11.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

## **12.0 Provisional Statements**

12.1 Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

12.2 Section 204 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.

12.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

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

12.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises

licence applications that follow the grant of a provisional statement, no further representations from relevant 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.

12.6 In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan, and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

### **13.0 Reviews:**

13.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried-out. 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.

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

13.3 The Licensing Authority can also initiate a review of a particular

premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

- 13.4 Once a valid application for a review has been received by the licensing authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 13.5 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 13.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- add, remove or amend a licence condition imposed by the licensing authority;
  - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
  - suspend the premises licence for a period not exceeding three months; and
  - revoke the premises licence.
- 13.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 13.8 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 13.9 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant for review (if any)
  - the Gambling Commission
  - any person who made representations

- the Chief Officer of Police; and
- Her Majesty's Commissioners for Revenue and Customs

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## **PART C**

### **Permits/Temporary & Occasional Use Notices**

#### **1.0 Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the Licensing Objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.
- 1.3 The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year Licensing Policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, Licensing Authorities will want to give weight to child protection issues." (24.6)
- 1.4 Guidance also states: "...An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (FEC) 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. (24.7)
- 1.5 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

## **2.0 Statement of Principles**

- 2.1 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. 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.
- 2.2 This Licensing Authority 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.

## **3.0 (Alcohol) Licensed premises gaming machine permits (Schedule 13 paragraph 4(1))**

### **Automatic entitlement: 2 machines**

- 3.1 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 the Licensing Authority to take up this entitlement.
- 3.2 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
  - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
  - the premises are mainly used for gaming; or

- an offence under the Gambling Act has been committed on the premises.

### **Permit: 3 or more machines**

- 3.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the Licensing Objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant."
- 3.4 This Licensing Authority considers that "such matters" will be decided on a case by case basis. Generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. The Licensing Authority expects the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 3.5 Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage 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.
- 3.6 The Council will expect applicants to submit a plan showing the precise location of all machines applied for in this section. The plan should be the same version as that currently submitted with the Licensing Act 2003 Premises Licence
- 3.7 If it is not satisfied that appropriate measures have been taken by the applicant to comply with the policy the Licensing Authority will refuse to grant the permit or it may vary the number or category of machines authorised by the permit.
- 3.8 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.
- 3.9 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or

a different category of machines than that applied for.  
Conditions (other than these) cannot be attached.

- 3.10 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.

#### **4.0 Prize Gaming Permits**

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

4.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

4.3 In making its decision on an application for this permit the Licensing Authority does 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)).

4.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated 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.

## **5.0 Club Gaming and Club Machines Permits**

- 5.1 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.
- 5.2 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.
- 5.3 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."
- 5.4 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.

5.5 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;

(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."

5.6 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.

## **6.0 Temporary Use Notices**

6.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission,

would include hotels, conference centres and sporting venues.

- 6.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 6.3 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.
- 6.4 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".
- 6.5 In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 6.6 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## **7.0 Occasional Use Notices:**

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

## **Part D Annexes**

### **Annex 1: Local Responsible Authorities**

#### Gambling Commission

The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Phone: 0121 233 1058

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

#### HM Revenue and Customs

##### Crown House

11 Regent Hill Brighton

BN1 3ES Phone:0845 300 0627

#### Child Protection

Head of Children's Safeguards and Quality Assurance  
P.O Box 5  
East Sussex County Council  
County Hall  
Lewes  
BN7 1SW

Phone: 01273 481000

#### Police

Sussex Police  
Licensing Unit  
Police Station  
Terminus Road  
Bexhill on Sea  
East Sussex  
TN39 3NR

Phone: 0845 6070999

#### Fire Authority



Fire Safety Officer  
East Sussex Fire and Rescue Service  
Eastbourne Fire Safety Office  
Whitley Road  
Eastbourne  
BN22 8LA

Phone: 0845 1308855  
Fax: 01323 462026

Health and Safety

Health and Safety Team  
Environmental Health  
Eastbourne Borough Council  
1 Grove Road  
Eastbourne  
BN21 4TW

Phone: 01323 410000

Environmental Health - Pollution Control

Environmental Health  
Eastbourne Borough Council  
1 Grove Road  
Eastbourne  
BN21 4TW

Phone: 01323 410000

Planning

Development Control Manager  
Eastbourne Borough Council  
1 Grove Road  
Eastbourne  
BN21 4TW

Phone: 01323 410000

## **Annex 2: Glossary of Terms**

### **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"> <li>• Cash bingo, where the stakes paid made up the cash prizes that were won; or</li> <li>• Prize bingo, where various forms of prizes were won, not directly related to the stakes paid.</li> </ul> <p>Traditionally cash bingo was the main type of bingo played in commercial bingo halls (Part II of the Gaming Act 1968). They could also offer prize bingo, largely as interval games (section 21 of the 1968 Act). Under the 2005 Act, the distinction between these two versions of the game is being abolished for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms.</p> <p>Apart from commercial bingo halls, prize bingo is traditionally a game played in arcades, especially seaside amusement arcades, or travelling funfairs. For these operators, prize bingo is being</p>

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

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

### **Annex 3: Categories of Gaming Machine**

<b>Machine category</b>	<b>Maximum stake (from January 2014)</b>	<b>Maximum prize (from January 2014)</b>	<b>Allowed premises</b>
<b>A</b>	Unlimited	Unlimited	Regional Casino
<b>B1</b>	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
<b>B2</b>	£2	£500	Betting premises and tracks occupied by pool betting and all of the above
<b>B3</b>	£2	£500	Bingo premises, Adult gaming centre and all of the above
<b>B3A</b>	£2	£500	Members' club or Miners' welfare institute only
<b>B4</b>	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
<b>C</b>	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
<b>D money prize</b>	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
<b>D non-money prize (other than crane grab machine)</b>	£1	£50	All of the above.

<b>D non-money prize (crane grab machine)</b>	£1	£50	All of the above.
<b>D combined money and non-money prize (other than coin pusher or penny falls machines)</b>	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
<b>D combined money and non-money prize (coin pusher or penny falls machine)</b>	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

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## **Annex 4: Table of Exemptions**

**Table of Exemptions**

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

## **Annex 5: Table of Delegations of Licensing Functions**

**Table of Delegations of Licensing Functions**

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