

## STATEMENT OF GAMBLING POLICY

REPORT OF: Tom Clark , Head of Regulatory Services  
Contact Officer: Yvonne Leddy Business Unit Leader Environmental Health  
Email: [yvonneleddy@midsussex.gov.uk](mailto:yvonneleddy@midsussex.gov.uk) Tel: 01444 477300  
Wards Affected: ALL  
Key Decision: No  
Report to: Council  
31<sup>st</sup> October 2018

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### Purpose of Report

1. To seek Council's approval of the draft Mid Sussex Statement of Principles (Gambling Act), following its consideration by the Scrutiny Committee for Community, Housing and Planning and public consultation

### Summary

2. The Council adopted the existing Statement of Principles (Gambling Act) Policy in 2015. The Council is required to review the policy within three years or as appropriate. The revised Policy reflects a number of regulatory and legislative changes and statutory guidance. In July a draft of the policy was endorsed by the Scrutiny Committee for Community, Housing and Planning before it was issued for public consultation. This report includes the outcome of that consultation.

### Recommendations

**The Council approve the policy for Gambling at Appendix 1 for implementation on the 31<sup>st</sup> January 2019.**

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### Background

3. The Gambling Act 2005 came into force on 1<sup>st</sup> September 2007. It introduced a unified regulator for gambling called the Gambling Commission, who issue operating and personal licences, as well as establishing a new licensing regime for commercial gambling. Responsibility was transferred for licensing gambling premises to Local Authorities. Section 349 of the Gambling Act 2005 requires a Licensing Authority (Mid Sussex District Council) to prepare, consult and publish a statement of the principles that they propose to apply in exercising their functions under the Act every three years
4. Under Section 154(2) of the Gambling Act the Statement must be formally adopted by Council.
5. The Council adopted the existing Statement of Principles (Gambling Act) Policy in 2015. The Policy states that it will be reviewed every three years. The revised policy reflects both legislative changes and updates. A draft policy was considered and endorsed for consultation by Scrutiny Committee for Leisure and Community at its meeting on 4th July 2018
6. The Statement is not intended to be used to limit gambling establishments but how we apply the Act in order to protect the public through the three 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;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

7. To provide some context, we currently licence:

- 2 Adult Gaming Centres (Pease Pottage Services)
- 10 Betting Shops
- 61 premises with Gaming Machines that are licensed to sell alcohol and that have an automatic entitlement to have 2 gaming machines provided they have notified us
- 12 premises with 3 or more Gaming machines
- 6 Club Gaming Machine Permits (Registered Clubs) - larger prize money
- 7 Club Gaming Permits allows certain gaming and larger prize money machines
- 135 Small Society Lotteries are registered (these register annually to allow raffles, sale of tickets etc.)

### **Consultation Responses**

8. Following a 6 week consultation the Council received 3 responses.

- One representation suggested a slight amendment to the draft policy to correct an error in machine entitlement numbers.
- One representation endorsed the policy
- A representation by Gamcare signposted their policies regarding problem gamblers.

### **Policy Context**

9. The Statement of Principles (Gambling Act) is produced in accordance with the provisions of The Gambling Act 2005 (Licensing Authority Policy Statement England and Wales) Regulations 2006, which places a duty on the Council to carry out its licensing functions in respect to the licensing, inspection and enforcement of such premises.

### **Financial Implications**

10. None

### **Risk Management Implications**

11. The Council is required to review its Statement every three years or sooner if appropriate. Failure of a Council to review their Policy could be open to a legal challenge.

### **12. Background Papers**

None



**MID SUSSEX  
DISTRICT COUNCIL**

**STATEMENT OF  
PRINCIPLES**

**GAMBLING ACT 2005  
(Licensing Authority Policy  
Statement)**

Approved Gambling Act 2005 Licensing Authority Policy Statement  
to take effect from  
31st January 2019 for 3 years.

All references to the Guidance refer to the Gambling Commissions  
Guidance to Local Authorities 5th Edition published September 2015

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## **1. Introduction**

- 1.1. Under section 349 of the Gambling Act 2005 (the Act) the council is required to publish a statement of Licensing Policy which it proposes to apply when exercising its functions under the Act. The form of the policy is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities contains further detail on the form of the council's policy.
- 1.2. The Council's policy is intended to promote the three licensing objectives set out in the Act. These 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.
- 1.3. The Act requires that the following people and bodies be consulted in the revision of the statement:
  - The Chief Officer of Police.
  - People and bodies representing the interests of persons in gambling businesses in the area.
- 1.4. The Council consulted widely about the revised policy for 6 weeks from the 16<sup>th</sup> July 2018 until the 27<sup>th</sup> August 2018. A list of those consulted on the revision of the statement of principles is attached at Appendix 2.
- 1.5. It should be noted that this policy statement will not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

## **2. Mid Sussex District Council Geographical Area**

- 2.1. Mid Sussex District Council is located within the County of West Sussex. It is a relatively prosperous area whose residents are generally well qualified. The age demographics point to an increasingly ageing population. More than half the area is designated as an Area of Outstanding Natural Beauty. It lies on the eastern edge of the county and shares boundaries with East Sussex to the east, Surrey to the north and Brighton and Hove and the South Downs National Park to the south. Mid Sussex covers an area of 128 square miles and includes the three main towns of East Grinstead, Burgess Hill and Haywards Heath. There are some 25 villages and many small hamlets in a predominantly rural area outside of the main towns. The District has a population of approximately 146,000. Sixty percent of the population lives in the three main towns with the remaining 40% living in the smaller villages and rural areas.
- 2.2. Mid Sussex is a safe place to live and work and is kept so by the Mid Sussex community and agencies such as the Council and Police working together. Since 1998 there has been a legal duty on agencies to work together with the community to reduce crime and anti-social behaviour. The Mid Sussex Partnership acts as the formal co-ordinating group to ensure that Mid Sussex meets this legal duty.

### **3. Licensing Objectives Declaration**

- 3.1. In reviewing this Policy, the council has had regard to the licensing objectives of the Act, Guidance to licensing authorities issued by the Gambling Commission and has had regard to the responses arising from their consultation.

### **4. Responsible Authorities**

- 4.1. The council 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 council's area; and
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2. In common with its practice under the Licensing Act 2003, the council designates the West Sussex Children Safeguarding Board to advise on the protection of children from harm. The Responsible Authorities are therefore:
- The Council's Licensing Service (as licensing authority)
  - The Gambling Commission
  - Sussex Police
  - West Sussex County Council Fire and Rescue Service
  - The Council's Planning and Economy Services(as planning authority)
  - The Council's Environmental Protection Team (as the authority minimising or preventing the risk of environmental pollution and/or harm to human health)
  - West Sussex Children Safeguarding Board
  - H.M. Revenue and Customs
- 4.3. The Secretary of State has not, as yet, prescribed any further Responsible Authorities. The contact details of all the Responsible Authorities under the Act are listed in the Supplementary Guidance to this document.

### **5. Interested parties**

- 5.1. Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Act as follows: "For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-
- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - has business interests that might be affected by the authorised activities, or
  - represents persons who satisfy paragraph (a) or (b)"
- 5.2. When determining whether a person is an interested party for the purposes of the Act we will not apply rigid rules but will apply the principle that 'each case will be decided upon its merits.'

- 5.3. In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account
- The size of the premises.
  - The nature of the premises
  - The distance of the premises from the habitual residence or workplace of the person making the representation.
  - The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
  - The circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 5.4. In determining whether a person or organisation "has business interests" we will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
- 5.5. The council will regard bodies such as trade associations, trade unions, residents' and tenants' associations, and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. We will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
- 5.6. In principle, the council will allow any person to represent an interested party but it may seek to have it confirmed that the person genuinely represents the interested party. We will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' someone. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.
- 5.7. If individuals wish to approach Councillors to ask them to represent their views then those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Team for advice.

## **6. Exchange of Information**

- 6.1. The council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 1998 will not be contravened. We will also have regard to Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

## **7. Enforcement**

- 7.1. The principles to be applied by the council 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, are stated below:



- 7.2. The council will operate within the principles of natural justice and take into account the Human Rights Act 1998. We will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:
- Proportionate: only intervening when necessary: Remedies will be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: able to justify its decisions, and be subject to public scrutiny;
  - Consistent: implementing rules and standards fairly in a joined-up way;
  - Transparent: open, and keep conditions placed on premises licences simple and user friendly; and
  - Targeted: focusing on the problems, and aiming to minimise the side effects.
- 7.3. The main enforcement and compliance role for the council is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by us, but we will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.
- 7.4. Our enforcement policy is available upon request to the licensing team, or on the Mid Sussex District Council website at [http://www.midsussex.gov.uk/media/Env\\_Enf\\_Policy\\_2014\(1\).pdf](http://www.midsussex.gov.uk/media/Env_Enf_Policy_2014(1).pdf)

## **8. Licensing Authority's functions**

- 8.1. Licensing authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
  - Issue Provisional Statements
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities 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 at tracks
  - Provide information to the Gambling Commission regarding details of licences, permits and other permissions issued (see section above on 'information exchange')
  - Maintain registers of the permits and licences that are issued under these functions

8.2. The licensing of remote gambling is the sole responsibility of the Gambling Commission via operating licences.

**9. Duplication with other regulatory regimes**

9.1. The council will seek to avoid any duplication with other statutory and regulatory systems where possible, including planning. The licensing authority will not consider whether an application for a premises licence, permit or other permission is for a premise that has been or is likely to be awarded planning permission or building regulations approval, in its own consideration of it. Nor will it regard the granting of a licence, permit or permission as fettering the council's ability to consider planning applications independently on their planning merits.

## 10. Table Of Delegation Of Licensing Functions

| Matter to be Dealt with                                     | Full Council | Full Licensing committee | Licensing sub-Committee                                      | Officers   |
|---|--------------|--------------------------|--|--|
| Three year licensing policy                                 | X            |                          |  |  |
| Policy not to permit casinos                                | X            |                          |  |  |
| Application for premises licenses                           |              |                          | Where representations have been received and not withdrawn   | Where no representations received/representation have been withdrawn |
| Application for a variation to a licence                    |              |                          | Where representations have been received and not withdrawn   | Where no representations received/representation have been withdrawn |
| Application for a transfer of a licence                     |              |                          | Where representations have been received from the Commission | Where no representations received from the Commission                |
| Application for a provisional statement                     |              |                          | Where representations have been received and not withdrawn   | Where no representations received/representation have been withdrawn |
| Review of a premises licence                                |              |                          | X  |  |
| Application for club gaming/club machine permits            |              |                          | Where representations have been received and not withdrawn   | Where no representations received/representation have been withdrawn |
| 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  |  |

## **11. Policies supporting each of the licensing objectives**

- 11.1. As mentioned above the Act contains three licensing objectives (page1) which underpin the functions of the licensing authority. These 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.
- 11.2. Section 153 of the Act states that in exercising its functions under the Act the licensing authority shall aim to permit gambling in so far as it thinks it is: in accordance with the Commission's codes and guidance to local authorities; reasonably consistent with the licensing objectives and in accordance with the licensing authority's statement of principles. The authority intends to assist applicants, responsible authorities and interested parties by detailing the criteria that it will consider as being reasonably consistent with each of the objectives when considering applications.
- 11.3. The council will continue to review this Statement and will revise it further as appropriate in response to changing circumstances.

## **12. Policy Objective 1-Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.**

### **Policy Objective 1**

**To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:**

- a) Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.
- b) Where an area is known for high levels of crime the council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- c) Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.
- d) Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premising licenses, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.
- e) Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- f) Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

- 12.1. Applicants for premises licences will have to hold an operator's licence from the Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's Guidance, codes or practice and this statement of principles.
- 12.2. The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will promote this objective. Operators need to be aware of how the operation of their premises may impact on this objective. We will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission's requirements to obtain and hold an operator's licence, whilst the Licensing Authority's concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.

**13. Policy Objective 2-Ensuring that gambling is conducted in a fair and open way.**

**Policy Objective 2**

**To ensure that gambling is conducted in a fair and open way, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:**

- a) Whether the premises will operate with such measures that will ensure that the gambling activity is conducted in a fair and open way.
- b) Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- c) Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- d) Whether the management and operation of the premises is open and transparent.
- e) Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- f) Whether the Commissions Codes of Practice have been complied with

- 13.1 The Gambling Commission is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way. The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator's licence. Track owners do not necessarily require an operator's licence and any application made by such an unlicensed operator will be scrutinised to ensure that this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

**14. Policy Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

**Policy Objective 3**

**To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.**

- a) Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- b) Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises.
- c) If the premise is an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.
- d) Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
- e) Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- f) Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.

14.1. The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises. Other policies specifically deal with location although the applicant will have to demonstrate that there are suitable control measures to promote this objective.

14.2. Persons under 18 cannot be admitted to many types of gambling premises. It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission states that "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 a mental impairment, alcohol or drugs". This is the definition of vulnerable persons the council will use in its consideration of applications.

## 15. Premises Licences

- 15.1. Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.
- 15.2. Premises licences can authorise the provision of facilities on:
- casino premises
  - bingo premises
  - betting premises including tracks and premises used by betting intermediaries
  - adult gaming centre premises,
  - family entertainment centre premises.
- 15.3. For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.
- 15.4. A premises licence issued by us will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises are reasonably consistent with the licensing objectives, the Commission's codes of practice and/or local authority guidance, and this statement of principles.
- 15.5 Under The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) there is a requirement for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Social Responsibility code (SR) 10.1.1:
1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
  2. Licensees must review and update as necessary their local risk assessments ;
    - a) To take account of significant changes in local circumstances including those identified in a licensing authority's statement of licensing policy
    - b) When there are significant changes at a licensed premises that may affect their mitigation of local risks
    - c) When applying for a variation of a premises licence
    - d) In any case undertake a local risk assessment when applying for a new premises licence.
- 15.6 The Council will expect the local risk assessment to consider:
- Whether the premises are in an area subject to high levels of crime and or disorder;
  - The location of services for children such as schools, playgrounds, toy shops, leisure centres;
  - Nearby gambling, drug, alcohol or mental health support facility;
  - Other gambling premises in the vicinity.
- 15.7 The assessment should include the following matters relating to the management and governance of the site;
- The training of staff to intervene when customers show signs of excessive

gambling, the ability of staff to offer intervention and how the staffing of premises affects this.

- Details of the location and coverage of CCTV cameras and how the system will be monitored.
- The layout of the premises so that staff will have an unobstructed view of persons using the premises.
- The number of staff available on the premises at any one time. If at any time that number drops to one confirm the supervisory and monitoring arrangements.
- Arrangements for dealing with monitoring under age and vulnerable persons. These may include - dedicated and trained personnel, leaflets, posters, self exclusion schemes, window displays, and advertisements not to entice passers-by.
- Where the application is for a Betting Premises Licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

15.8 This information will be used during the process to determine the application.

15.9 We will expect operators to share risk assessments with us when applying for a new premises licence or a variation to an existing one. We will also expect operators to share information and data with us about self-exclusions and under age attempts to gamble.

15.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how any concerns can be overcome



## **16. Primary Gambling Activity**

- 16.1. The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:
- casino premises
  - bingo premises
  - betting premises, including tracks and premises used by betting intermediaries
  - adult gaming centre premises (for category C and D machines)
  - family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

(See Appendix 1 for definitions of categories of gaming machines)

- 16.2. In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity in Local Authority Guidance, Licence Conditions and Codes of Practice and advice notes. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.
- 16.3. The council will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operator's licence. We will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. The Licensing Authority will expect there to be sufficient facilities for over the counter betting. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

## **17. Conditions**

- 17.1. The majority of premises licences will have mandatory and/or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.
- 17.2. The Licensing Authority can attach conditions to any licence if it believes that the imposition of conditions will ensure that the premises promotes the licensing objectives. Any conditions attached to a licence 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;
  - related to the scale and type of premises; and
  - reasonable in all respects.
- 17.3. Certain matters are set out in the Act may not be the subject of conditions. These are:
- conditions which make it impossible to comply with an operating licence.
  - conditions as to gaming machines that contradict the provisions in the Act.
  - conditions making activities, premises or parts of them operate as a

- membership club
- conditions on fees, winnings, stakes or prizes.

17.4. Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the council will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as: the supervision of entrances; separation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in premises not specifically for adult gambling; appropriate signage for adult only areas, etc. The council will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.

## **18. Buildings divided into more than one premises**

18.1. Part 7 of the Commissions Guidance states that a building can, in principle, be divided into more than one premises, and 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. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The council will follow this guidance.

18.2. Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the council will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.

18.3. In considering whether different areas of a building are genuinely separate premises the council will take into account factors which will include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.

## **19. Separation of premises within a single building**

19.1. When considering proposals to divide a building into genuinely separate premises the council will also need to be satisfied that the form of separation between the premises is appropriate.

19.2. The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. We would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.

19.3. It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.

## **20. Access to premises**

- 20.1. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 20.2. The relevant provisions of the regulations relating to access are set out in paragraph 7.23 of the Commission's Guidance. In a number of types of licensed premises provisions on access that prevent customers from being able to enter the premises directly from other licensed premises.
- 20.3. The Commission Guidance at paragraph 7.25 states "There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access."
- 20.4. It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 20.5. The council does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs,
- 20.6. Where the council is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the council will expect applicants to ensure that:
- premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
  - 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 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.

This is not an exhaustive list and the council will consider other aspects based on the merits of the application.

## **21. Casinos**

- 21.1. No Casinos resolution - The 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 the licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. It should be noted that we are not an authority that has been granted permission by the government to issue a casino licence. We are not a district that the Government has selected to have a casino.

## **22. Bingo**

- 22.1. This policy applies to applications for a bingo premises licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo premises licence will be able to offer bingo in all its forms.
- 22.2. The holder of a bingo premises licence may make available for use, up to a maximum of 20% of the machine estate available for use on the premises of category B machines (restricted to sub-category B3 or B4 machines) and any number of category C or D machines
- 22.3. Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

(See Appendix 1 for definitions of categories of gaming machines)

- 22.4. In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:
- Proof of age schemes
  - CCTV
  - Entry control system
  - Supervision of entrances/ machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/ signage
  - Specific opening hours
  - Self-barring schemes
  - Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

## **23. Betting (Other)**

- 23.1. This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop, and includes an entitlement to operate up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.
- 23.2. In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:
- Proof of age schemes
  - CCTV
  - Entry control system
  - Supervision of entrances/ machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/ signage
  - Specific opening hours

- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

## **24. Betting Tracks including other sporting venues**

24.1. Under section 353 of the Act, “tracks” includes premises where a race or other sporting event takes place or is intended to take place. These may be subject to one or more than one premises licence, provided each licence relates to a specified area of the “track”. The Commission Guidance, identifies that operators of track betting premises will not necessarily hold an operator’s licence issued by the Commission. The council will have particular regard to proposals and measures to ensure that the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

24.2. We will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct and that children are excluded from gambling areas where they are not permitted to enter. The possibility of multiple licences at tracks is noted in Part 20 of the Commission Guidance. The council will expect the applicant for a premises licence to demonstrate suitable measures to ensure that children do not have access to adult- only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog- racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. (Children and young persons are not prohibited from playing category D machines on a track.)

24.3. In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- Proof of age schemes
- CCTV
- Entry control system
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare

This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

24.4. Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that the track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.

- 24.5. The council will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds or seeks a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
- 24.6. The council will expect applicants to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. Any such plans must also contain the information prescribed by Regulations.
- 24.7. The council concurs with the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **25. Adult Gaming Centres**

- 25.1. Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. They will be able to make up to 4 category B3 or B4 gaming machines, and an unlimited number of category C or D gaming machines available to their customers. Gaming machines are a form of gambling which is attractive to children and AGCs will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGCs to minimise the opportunities for children to gain access.
- 25.2. Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and 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, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.
- 25.3. In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:
- Proof of age schemes
  - CCTV
  - Entry control system
  - Supervision of entrances/ machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/ signage
  - Specific opening hours
  - Self-barring schemes for individuals to bar themselves from premises
  - 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.

## **26. Family Entertainment Centres (FEC):**

26.1. Generally, FECs must be operated by a person or body having an operating licence from the Gambling Commission (the Act also provides that there is a class of unlicensed Family Entertainment Centres that may be run by individuals or bodies not holding an operator's licence). Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission operator's licence or premises licence from the local licensing authority but do need to have a gaming machine permit as set out below. Gaming machines are a form of gambling which is attractive to children and FECs will contain both Category D machines on which they are allowed to play, and category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The council, in considering applications for FEC premises licences will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

26.2. In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas for category C machines
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes for individuals to bar themselves from premises
- Provision of information leaflets/ helpline numbers for organisations such as GamCare
- Measures & training for dealing with children on the premises suspected of truanting.

This list is neither mandatory, nor exhaustive, and is merely indicative of example measures.

26.3. The council will have regard to the Gambling Commission's guidance on any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated but may require further measures on physical separation and controls on entry. The council must apply the mandatory conditions but will consider whether to exclude any of the default conditions that may be specified by regulation from the Secretary of State.

26.4. Family Entertainment Centres will provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes.

## **27. Travelling Fairs**

- 27.1. The Act defines a travelling fair as ‘wholly or principally’ providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 27.2. It will fall to the council to decide 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.
- 27.3. The council will also consider whether the applicant falls within the statutory definition of a travelling fair. We will apply the 27 day statutory maximum for the land being used as a fair each calendar year 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 keep a record of any travelling fairs taking place in the District that offer gambling as an ancillary use to the fair. The authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

## **28. Door Supervisors**

- 28.1. The Guidance advises that licensing authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.
- 28.2. For betting offices and other premises other than casinos and bingo premises, the operator and/or the council may decide that supervision of entrances or machines is appropriate in particular cases. The authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

## **29. Provisional Statements**

- 29.1. An application may be made to the licensing authority for a provisional statement’ in respect of premises that are yet to be constructed, altered or occupied. Following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional licence stage; or
  - which in the authority’s opinion reflect a change in the operator’s circumstances.



### 30. Reviews

30.1. Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the licensing authority. 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:

- any relevant code of practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives;
- the authority's statement of principles.

30.2. The licensing authority may reject an application for review if it thinks that the grounds on which the review is sought:

- are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the licensing authority's statement of principles;
- are frivolous;
- are vexatious;
- 'will certainly not' cause the licensing authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence;
- are substantially the same as grounds cited in a previous application relating to the same premises (the licensing authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
- are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence.

30.3. General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

30.4. The licensing authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing 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, or to ensure that the principle of primary use is applied.

30.5. The licensing authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.

30.6. A responsible authority or interested party may apply to the council to review a premises licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address,

where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded, if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.

- 30.7. As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The council accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

### **31. Permits**

- 31.1. Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The council is responsible for issuing the following permits:

- unlicensed family entertainment centre gaming machine permits;
- alcohol-licensed premises gaming machine permits;
- prize gaming permits;
- club gaming permits and club machine permits.

- 31.2. The council can only grant or reject an application for a permit and cannot attach conditions. Therefore, the council will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

### **32. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits**

- 32.1. This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres. UFECs are those that offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions, these premises will particularly appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.

The council will grant an application for a permit only if it is satisfied that the premises will be used as an unlicensed FEC, and following consultation with the Chief of Police.

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

- 32.3. The council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people 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:

- 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;
- measures / training covering how staff would deal with children causing perceived problems on or around the premises.
- measures / training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

### **33. Alcohol-Licensed Premises Gaming Machine Permits**

- 33.1. Automatic entitlement to 2 gaming machines: A premises licensed to sell alcohol under the Licensing Act 2003 is automatically entitled to 2 gaming machines of category C and/or D. The holder of the on- premises licence under the Licensing Act 2003 must notify the council of their intention to make the gaming machines available for use and must pay the prescribed fee.
- 33.2. An automatic authorisation does not negate pub and club operators from their responsibilities to comply with the 'Codes of Practice for gaming machines in Pubs and Clubs' issued by the Gambling Commission. Operators should be aware of the contents of this code and ensure that their staff comply accordingly.
- 33.3. Operators are expected to demonstrate responsibility in the supervision of their machines, in particular siting them in positions where they can easily be supervised by staff.
- 33.4. The council will 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 provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the council, 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.
- 33.5. **Permit for 3 or more gaming machines.** This policy applies to those licensed premises that propose to have 3 or more gaming machines. A licensed premises wishing to have 3 or more gaming machines of category C or D must apply to the council for a permit.
- 33.6. As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling;
- 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.

- 33.7. 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.
  - The council will expect applicants to 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.
- 33.8. 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.
- 33.9. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.
- 33.10. The council may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:
- it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
  - gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
  - the premises are mainly use or to be used for making gaming machines available, or,
  - an offence under the Gambling Act 2005 has been committed on the premises.
- 33.11. Before the council cancels or varies a permit it will give the permit holder 21 days notice of its intention and allow him the opportunity to make a representation. If the permit holder requests a hearing the council will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.
- 33.12. The Council when determining an application for an alcohol-licensed premises gaming machine permit will consider each application on their own merits.
- 33.13. 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.

## **34. Prize Gaming Permits**

34.1. This policy applies to applications for, or renewals of, prize gaming permits. Gaming is “prize gaming” if 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. Normally the prizes are determined by the operator before play commences.

34.2. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

34.3. The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- an understanding of the limits to stakes and prizes 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.

34.4. We will only grant a permit after consultation with the chief officer of police. This will enable the licensing authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

34.5. It should be noted that there are conditions in the Act with which the permit holder must comply, but that the council 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.

## **35. Club Gaming and Club Machines Permits**

35.1. Members clubs and Miners’ welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

35.2. A club must meet the following criteria to be considered a members’ club:

- It must have at least 25 members;

- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
- It must be permanent in nature;
- It must not be established to make a commercial profit;
- It must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

35.3. The council 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.

35.4. We 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.
- The council will expect applicants to 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 Club Premises Certificate.

35.5. 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). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

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

35.6. 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.

### **36. Temporary Use Notices (TUN's)**

- 36.1. Temporary Use Notices (TUN's) 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 gambling would include hotels, conference centres and sporting venues.
- 36.2. The licensing authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.
- 36.3. Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
- 36.4. The licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:
- the suitability of the premises;
  - to the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
  - The CCTV coverage within the premises;
  - The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
  - whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

### **37. Occasional Use Notices:**

- 37.1. The council has very little discretion as regards Occasional Use Notices to accept bets at "tracks", aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a "track" and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the "track" or is an occupier, and therefore permitted to avail themselves of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. If notices are given for a single track which would permit betting to occur for more than 8 days per year the council has an obligation to issue a counter notice preventing such a breach occurring.

## Appendix 1

### Gaming machine (fruit machine, slot machine) categories

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

| Machine category     | Maximum stake (from January 2014) | Maximum prize (from January 2014)  | Allowed premises  |
|----------------------|-----------------------------------|--|---|
| <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>            | £100                              | £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  |
|                      | £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>Machine category</b>  | <b>Maximum stake (from January 2014)</b> | <b>Maximum prize (from January 2014)</b>             | <b>Allowed premises</b> |
|--|--|--|-------------------------|
| <b>D non-money prize (other than crane grab machine)</b>                                     | 30p                                      | £8   | 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.       |

PLEASE NOTE :THE STAKES FOR B2 MACHINES ABOVE ARE SUBJECT TO CHANGE

### Organisations & Groups Consulted

Mid Sussex District Councillors

Mid Sussex District Town and Parish Councils

The Gambling Commission, 4th Floor Victoria Square House, Victoria Square, Birmingham, B2 4BP

The Chief Officer of Police, Sussex Police, Church Lane, Lewes, East Sussex BN7 2DZ

West Sussex Fire & Rescue Service, Northgate, Church Road, Chichester, PO19 1BD

The Planning Authority, Planning and Economy, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, RH16 1SS

West Sussex Safeguarding Children's Board, Room 12, County Hall, West Street, Chichester, PO19 1RQ

Environmental Health Section Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

HM Revenue & Customs, 100 Parliament Street, London SW1A 2BQ

British Casino Organisation, 38 Grosvenor Gardens, London, SW1W 0EB

BACTA, Alders House, 133 Aldersgate Street, London, EC1A 4JA

British Bingo Association, Lexham House, 75 High Street North, Dunstable, Beds, LU6 1JF

Association of British Bookmakers Ltd, Regency House, 1-4 Warwick Street, London, W1B 5LT

Remote Gambling Association, Regency House, 1-4 Warwick Street, London, W1B 5LT

The Manager, Citizens Advice Bureau, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 3DN

The Manager, Citizens Advice Bureau, Cantelupe House, Cantelupe Road, East Grinstead, RH19 3BZ

The Manager, Citizens Advice Bureau, 38 Church Road, Burgess Hill, West Sussex, RH15 9AE

Sussex Chamber of Commerce, 4 Victoria Business Centre, 43 Victoria Road, Burgess Hill, RH15 9LR

Burgess Hill Library, The Martlets, Burgess Hill, West Sussex, RH15 9NN

Hassocks Library, Keymer Road, Hassocks, West Sussex, BN6 8QJ

Haywards Heath Library, Boltro Road, Haywards Heath, West Sussex, RH16 1BN

Hurstpierpoint Library, Trinity Road, Hurstpierpoint, West Sussex, BN6 9UY

Chief Executive, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RG

Transport and General Workers Union, Eastbourne District Office, T&G Centre, Grand Parade, Eastbourne, BN21 4DN

The Right Hon Nicholas Soames MP, House of Commons, London, SW1A 0AA

Gatwick Diamond Business14 Basepoint Business and Innovation Centre Metcalf Way, Crawley, RH11 7XX

**Director of Public Health, 1 The Causeway, Goring-By-Sea, Worthing, BN12 6BT**

South East Coastal Sussex Strategic Health Authority, Director of Public Health, York House, 18-20 Massetts Road, Horley, Surrey, RH6 7DE

GamCare, 2&3 Baden Place, Crosby Row, London, SE1 1YW

Gamblers Anonymous, PO Box 5382, London, W1A 6SA

Independent Betting Arbitration Service, PO Box 44781, London, SW1W 0WR

William Hill, Greenside House, 50 Station Road, Wood Green, London N22 7TP

Coral Racing Ltd, 5th Floor, 70 Victoria Street, London SW1E 6SQ

Ladbrokes Betting & Gaming Ltd, Imperial House, Imperial Drive, Rayners Lane, Harrow, HA27JW

Betfred, The Spectrum, 56-58 Benson Road, Birchwood, Warrington, WA3 7PQ

## **SUPPLEMENTARY GUIDANCE DOCUMENT 1**

### Internet sources of information on the Gambling Act 2005

The Gambling Act 2005 may be viewed on the web at

[www.legislation.gov.uk/ukpga/2005/19/contents](http://www.legislation.gov.uk/ukpga/2005/19/contents),

The Gambling Commission [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## **SUPPLEMENTARY GUIDANCE DOCUMENT 2**

### **Gambling Act 2005**

#### Responsible Authorities

The Licensing Authority, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

The Gambling Commission, 4th Floor Victoria Square House, Victoria Square, Birmingham, B2 4BP

Sussex Police, The Chief Constable, Police HQ, Malling House, Lewes, East Sussex BN7 2DZ

West Sussex Fire and Rescue Service, Northgate, Chichester, PO19 1BD

The Planning Authority, Planning and Economy, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

West Sussex Safeguarding Children's Board, Room 12, County Hall, West Street, Chichester, PO19 1RQ

Environmental Health Section, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

EITHER

Food & Safety Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

OR

Health & Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS

HM Revenue & Customs, 100 Parliament Street, London SW1A 2BQ

Any other person prescribed by regulations made by the Secretary of State