

# Gambling Act Statement of Principles

## 2019 - 2022

Hastings Borough Council's Statutory Review of  
its Gambling Act Statement of Principles

## Document History

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In drafting this Policy, the Licensing Authority has relied upon the Act, Regulations, Gambling Commission Guidance and Codes of Practice as effective in June 2018.

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## Foreword by Councillor Colin Fitzgerald, Portfolio holder for Environmental Services.

In September 2007 Hastings Borough Council assumed responsibility for all premises in the Borough which require permission under the Gambling Act 2005 to provide facilities for gambling. There are currently 23 gambling premise licenses held within the borough: 9 betting shops; 11 adult gaming centres and 3 bingo halls, as well as a range of other gambling authorizations, this is a reduction of 4 premises since the last policy review. Hastings Borough Council as the Licensing Authority has been guided by its Statement of Principles since this time. It is responsible for producing and reviewing this statement every three years.

Throughout summer and autumn 2018 it was subject to its third statutory review, and I am grateful to those that took part and provided valuable feedback.

Hastings has much to celebrate in its day and night time economies. Hastings Borough Council acknowledges the opportunities within the borough of investment, and its growing visitor economy. Whilst it encourages inward investment and opportunities for growth through a balance of day time and night time uses in the town centre, it is mindful of the fact that it continues to be one of the most deprived local authorities in the country.

This latest edition of the statement has seen few substantive changes and reflects recent updates in gambling legislation. It continues to be a valuable guide to all concerned with the licensing of gambling within the Borough, from Councillors to applicants to members of the public wishing to comment on applications. It sets out the factors that the Council feels should be taken into consideration within the confines of the Act and the Gambling Commission Codes of Practice and Guidance

How to use this revised Statement

- The gambling licensing principles are shown in text boxes called GLPs (Gambling Licensing Principles). Each GLP is separately numbered and titled
- The additional text where relevant, gives examples, background and reasons for the policies
- The appendices give additional information referred to within the document.
- A glossary of useful terms is set out at Appendix A.

It should be noted that premises licensed under the Gambling Act 2005 are subject to a wide range of robust mandatory and default conditions and in the vast majority of cases these conditions do not need to be supplemented by further conditions added by this licensing Authority.

The overriding principle in the Act is to permit the use of premises for gambling, our policy is written with this in mind, our ability to impose additional conditions on such premises is only triggered in specific circumstances if evidence exists.

## **1. Revised Gambling Act Statement of Principles**

### **1.1 Background and introduction**

1.1.1 Hastings Borough Council which is the local authority for the Borough of Hastings Borough is a "Licensing Authority" under the Gambling Act 2005 (the "Act"). The Council's Licensing Committee is responsible for granting premises licences in Hastings for:

- adult gaming centres
- betting premises, including tracks
- bingo premises
- casino premises
- family entertainment centres.

1.1.2 The definition of 'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery:

- gaming means playing a game of chance for a prize
- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

1.1.3 Under the Act, Hastings, like all licensing authorities, must publish a statement of principles which they propose to apply when carrying out their licensing functions. This statement must be published at least once every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must then be republished.

1.1.4 This revised Statement of Principles has been revised following a statutory review and is based on Gambling Commission Guidance (the "Guidance") and the licensing objectives under the Act. Having been in situ since January 2007, it continues to set out how the Licensing Authority will build on the licensing objectives to reflect local circumstances. It has been a consultation document leading to adoption by the Council as a formal Statement of Principles, after having due regard to the responses from those consulted.

1.1.5 The Statement of Principles once adopted will be available on the Council's website.

1.1.6 The Statement of Principles will come into effect on 31 January 2019, following adoption by Full Council. This may be reviewed as necessary, and at least once every three years from this date.

### **1.2 The licensing objectives**

1.2.1 In exercising most of their functions under the Act, the Licensing Authority must have regard to the licensing objectives. 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 carried out in a fair and open way and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2.2 This Licensing Authority is aware that, when exercising its functions in relation to premises licensing, it should aim to permit the use of the premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission (the “Codes of Practice”)
- in accordance with any relevant Guidance
- reasonably consistent with the licensing objectives (subject to the above) and
- in accordance with this Policy (subject to the above).

1.2.3 Applicants are encouraged to demonstrate how they have regard to the licensing objectives.

### **1.3 Scope of the Policy**

1.3.1 The Policy considers the needs of the borough and is concerned with upholding the licensing objectives set out in paragraph 1.2.1 above. It will guide the Licensing Authority in carrying out its various regulatory functions under the Act. These main functions are 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 more than two machines are required
- register small society lotteries below prescribed thresholds
- issue prize gaming permits
- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission regarding details of licences issued (see section below on “information exchange”)
- maintain registers of the permits and licences that are issued under these functions
- enforce legislation in relation to premises.

1.3.2 This document sets out the policies that the Licensing Authority will apply when determining applications for:

- premises licences
- use notices
- permits as required under the Act
- registrations as required under the Act.

1.3.3 This Policy relates to all authorisations identified as falling within the provisions of the Act, namely:

- bingo premises
- betting premises
- casino
- tracks
- adult gaming centres (AGCs)
- family entertainment centres (FECs)
- club gaming permits
- prize gaming and prize gaming permits
- temporary and occasional use notices
- registration of small society lotteries.

1.3.4 For a list of gambling facilities that are exempt from requiring certain licences, please see Appendix D.

#### **1.4 Matters outside the scope of the Policy**

1.4.1 The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences. Spread betting is regulated by The Financial Services Authority. The National Lottery is regulated by The National Lottery Commission.

1.4.2 When determining an application, the Licensing Authority cannot take into account the following:

- the likelihood of the applicant obtaining planning permission or building regulations approval
- the expected demand for the facilities which are being proposed
- “irrelevant” matters such as those not related to gambling or the licensing objectives
- moral objections or matters of mere nuisance..

1.4.3 The Licensing Authority should avoid duplication with other local government functions when considering some authorisations. However, applicants are expected to comply with all other legislation and regulatory regimes relevant to the operation of their business. The Licensing Authority will as a matter of routine share information with other responsible authorities and the Gambling Commission particularly where there is evidence of non – compliance. Please also note paragraph 2.4 of the Policy which deals with the exchange of information.

#### **1.5 Geographical area covered**

1.5.1 This statement applies throughout the borough of Hastings, which includes St Leonards on Sea.

The population is approximately 90,000 but the number increases significantly in the summer months with an influx of tourists, day trippers and foreign students.

## **1.6 Integrating strategies**

1.6.1 Hastings is one of the most deprived districts in the Country, with higher than average levels of unemployment. There is also a higher than average incidence of residents with mental health and/or substance misuse issues, and therefore of vulnerable children and adults. The Sustainable Communities Strategy sets out how the Council is working with its partners to address these issues.

1.6.2 Local people continue to be concerned about the level of crime, although overall crime levels continue to fall.

1.6.3 The Council aim to integrate this statement of Gambling Act principles with the objectives set out in the Sustainable Community Strategy, so that it contributes to achieving the vision of the borough by allowing gambling to occur in a fair and open way, whilst minimizing any harm to children or vulnerable persons, or links to crime and disorder.

## **1.7 Consultation**

1.7.1 The Licensing Authority recognises the important role that responsible authorities, the gambling trade and other stakeholders have to play in influencing this Statement. It therefore intends to take a wide range of views on the Statement as part of its consultation which takes place from 01.07.2018 before finalising and publishing the Statement. Any anonymous comments received will not be considered by the Licensing Authority.

1.7.2 Under the Act, consultation on this Statement will take place with:

- the Chief Officer of Police for Hastings Borough.
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by or otherwise have an interest in the Policy. This includes but is not limited to:
  - responsible authorities such as the fire authority, child protection, Gambling Commission
  - interested parties such as existing licensed premises trade representatives and associations.

1.7.3 A summary list of persons and groups this Licensing Authority will be consulting with is set out in Appendix B.

1.7.4 The Licensing Authority will give due weight to the views of those consulted and amend the Statement accordingly following responses received. In determining what weight to give particular representations, the factors to be taken into account include:

- who is making the representation (what is their expertise or interest)
- what their motivation may be for their views
- how many other people have expressed the same or similar views
- how far representations relate to matters the Licensing Authority should include in its Statement.

1.7.5 The full list of consultees, comments made and their consideration by the Licensing Authority is available on request from the Licensing Department or by email to [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk).

1.7.6 The amended and updated statement was drafted for consultation in June 2018 and was published via the Licensing website, [www.hastings.gov.uk/licensing](http://www.hastings.gov.uk/licensing). Hard copies were made available upon request from the Licensing Department, Environment and Place, Muriel Matters House, Breeds Place, Hastings, East Sussex. TN34 3UY

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

Licensing Department,  
Environment and Place,  
Muriel Matters House,  
Breeds Place,  
Hastings,  
East Sussex.  
TN34 3UY

1.7.8 Nothing in this Policy will:

- undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; or
- override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act as each will be considered on its own merits and according to the statutory requirements of the Act.

## **1.8 Declaration**

1.8.1 In producing the Statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Guidance, and any responses it has from those consulted on the Statement.

## **1.9 Casinos**

1.9.1 There are currently no casinos operating within the borough.

1.9.2 The Council has now passed a 'no casino' resolution for the Borough. It was passed by full council at the meeting held on the 20th December 2018.

## 1.10 Responsible authorities

1.10.1 This Licensing Authority designates the Local Safeguarding Children's Board as the body competent to advise the Authority about the protection of children from harm. The principles the Licensing Authority has applied in designating this Board are as follows:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

1.10.2 Applicants will therefore copy their applications to:

East Sussex County Council  
Head of Children Safeguards & Quality Assurance  
PO Box 5  
County Hall  
Lewes  
BN7 1SW

1.10.3 For a list of responsible authorities, please refer to the glossary of useful terms at Appendix A.

1.10.4 The contact details for all responsible authorities under the Act are available via the Council's website at [www.hastings.gov.uk/environment\\_planning/licensing](http://www.hastings.gov.uk/environment_planning/licensing).

## 1.11 Interested parties

1.11.1 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, 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
- c) represents persons who satisfy a) or b) above.

1.11.2 In determining whether a person or business is an interested party, the Licensing Authority will look at each case and decide it upon its merits. It may take into account the size of the premises and nature of activities taking place. This Authority will not apply a rigid rule to its decision making and will consider the Guidance on this.

1.11.3 When determining what "sufficiently close to the premises" means, the Licensing Authority may take into account:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment) and
- the circumstances of the complainant. For example, it could be reasonable for the Authority to conclude that "sufficiently close to be likely to be affected" could

have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

1.11.4 Interested parties will include trade associations, trade unions, and residents' and tenants' associations. The Licensing Authority may also request a membership list which will indicate the extent of the membership of that association to allow due weight to be given as appropriate.

1.11.5 Interested parties can be persons who are democratically elected such as Ward Councillors and MPs. Other than these persons, this Authority will generally require written evidence that a person or body (such as an advocate or relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

1.11.6 The Licensing Authority would usually expect Councillors and MPs to make representations only when requested to by ward constituents and/or residents from the area to which the application relates. 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 Democratic Services on 01424 451717.

1.11.7 In determining whether a person has a business interest which could be affected, the Licensing Authority will consider among other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected.

1.11.8 "Business interests" will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

## **1.12 Relevant representations**

1.12.1 Representations relating to an application will be considered as admissible where they are made by an interested party or responsible authority. The Licensing Authority will then normally only consider that representations are relevant where they relate to the licensing objectives, the Guidance, the Codes of Practice or the Statement of Principles.

1.12.2 The Licensing Authority may determine an application without a hearing despite having received representations from interested parties or responsible authorities where it thinks the representations are vexatious, frivolous or will certainly not influence the authority's determination of the application.

1.12.3 Anyone making representations on an application should note that their details will be made available to the applicant in the interest of fairness and to allow for negotiation. In the event of a hearing being held, representations will form part of a public document.

1.12.4 In addition to this Statement of Principles the Licensing Authority has published guidance for members of the Licensing Committee, Councillors and interested parties who wish to make representations.

## **2. Delegation and decision making**

### **2.1 Delegation of decision making responsibilities**

2.1.1 This Licensing Authority will ensure that the licensing functions contained within the Act are delegated to an appropriate level so as to ensure speedy, efficient and cost effective determination of licensing applications. Its licensing functions will be discharged as at Appendix C.

2.1.2 Those decisions which are not delegated will be determined by the Licensing Committee which has been established by the Licensing Authority to administer a range of licensing functions.

### **2.2 Decision making**

2.2.1 A Licensing Sub-Committee, drawn from members of the Licensing Committee, will normally sit in public to hear applications where representations have been received from interested parties and responsible authorities.

2.2.2 Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

2.2.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence or application in question.

2.2.4 Every decision of the Licensing Committee or Licensing Sub-Committee shall be accompanied by clear reasons. The decision will be sent to the applicant and those who have made representations as soon as is practicable.

2.2.5 The Licensing Authority's Licensing Officers will deal with licensing applications where no relevant representations have been received or where representations have been withdrawn. Even where there are no relevant representations, a hearing must occur where certain conditions to the licence are to be attached or excluded unless the applicant waives their right to a hearing.

2.2.6 Decisions as to whether representations are inadmissible, irrelevant, frivolous or vexatious will be made by licensing officers. Where representations are rejected, the

person making that representation will be given written reasons for this. There is no right of appeal against a determination that representations are not admissible.

2.2.7 The Licensing Sub Committee will determine each case before it on its individual merits whilst taking into consideration the Codes of Practice, the Guidance, the licensing objectives and the terms of this Policy and may add conditions. (Please see paragraph 6.5 on Conditions).

2.2.8 In undertaking its licensing functions under the Act, the Licensing Authority is bound by other legislation, for example the Human Rights Act 1998.

### **2.3 Information exchange**

2.3.1 The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the General Data Protection Regulation and The Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any relevant Guidance and regulations under the Regulation and Act.

2.3.2 Should any protocols be established regarding information exchange with other bodies then they will be made available upon request.

2.3.3 In fulfilling its functions and obligations under the Act, the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.

2.3.4 Any matters of non-compliance with the Act will where appropriate be reported to the Gambling Commission.

2.3.5 The Licensing Authority will share information with other responsible authorities and the Gambling Commission where there is evidence of non-compliance with other legislation and regulatory regimes relevant to the operation of the applicant's business.

## **3 The licensing objectives**

### **3.1 Premises licences**

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

### **3.2 Prevention of crime and disorder**

3.2.1 The Gambling Commission plays a lead role in preventing gambling from being a source of crime or disorder.

3.2.2 The Licensing Authority places importance on the prevention of crime and disorder, and will fulfil its duty under section 17 of the Crime and Disorder Act 1998. This

binds the Licensing Authority to exercise its licensing powers with due regard to the need to do all that it reasonably can to prevent crime and disorder in its area. A high standard of control is therefore expected to be exercised over licensed premises.

3.2.3 The Licensing Authority will pay attention to the proposed location of gambling premises in terms of this licensing objective and possible conditions. For example, where an area has known high levels of crime and disorder, this authority will consider carefully whether gambling premises are suitable to be located there at all, or whether conditions need to be attached such as for the provision of door supervisors or for specified measures to be in place to prevent crime and disorder on the premises.

3.2.4 The Licensing Authority will, when determining applications, consider whether the grant of a premises licence is likely to result in an increase in crime and disorder. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it, so as to make that distinction. Issues of nuisance cannot be addressed via the provisions of the Act. The Gambling Commission has stated that licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.

3.2.5 Where the premises has been associated with drug dealing, or the possession of weapons on the premises, this may give rise to particular concerns as to whether it will be appropriate to allow the admission of children to the premises during some or all of its hours of operation. In such circumstances applicants may be required to demonstrate that these matters have been addressed.

3.2.6 Applicants are therefore required to demonstrate to the satisfaction of the Licensing Authority, in consultation with the police, how they intend to satisfy this licensing objective. Applicants are encouraged to discuss their crime prevention procedures with licensing officers and the police before making a formal application, addressing how at an operational and local level they will implement their measures to prevent crime and disorder on the premises.

3.2.7 Examples of the matters that are likely to be considered by the Licensing Authority when determining an application include, where appropriate;

- the design and layout of the premises
- physical security features installed in the premises; this may include matters such as the position of cash registers or the standard of CCTV that is installed
- training given to staff in crime prevention measures appropriate to the premises
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks
- the likelihood of any violence, public disorder or policing problem if the licence is granted.

### **3.3 Door supervisors**

3.3.1 The Licensing Authority may consider whether there is a need for door supervisors and whether these should be Security Industry Authority (SIA) registered having regard to the licensing objectives.

3.3.2 Door supervisors at casino and bingo halls are exempt from being licensed by the SIA. The Licensing Authority may make specific requirements for door supervisors working at casinos or bingo premises to search individuals and deal with potentially aggressive persons to ensure that this licensing objective is met to the satisfaction of the authority.

3.3.3 For premises other than casinos and bingo halls, operators and the Licensing Authority may decide that supervision of entrances and/or machines is appropriate in particular cases.

#### GLP1

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

1. Applicants are encouraged to demonstrate within their application measures to prevent crime and disorder on the premises by providing information on;
  - (a) use of door staff, details of SIA door supervisors and other appropriately trained staff including relevant qualifications or registrations, the number of staff, their location whilst working at the premises, and the times they will be on duty
  - (b) details of the training given to staff in crime prevention measures appropriate to those premises
  - (c) notices to be prominently displayed on the premises and visible to members of the public stating:
    - (i) CCTV is recording on the premises (where required by legislation)
    - (ii) drugs will not be tolerated and persons found possessing/dealing will be excluded from the premises
    - (iii) the age of persons allowed on the premises
    - (iv) drunkenness and those under the influence of drugs will not be tolerated on the premises
  - (d) an accurate plan of the premises confirming the design and layout of the premises, with particular attention to the ability of staff to survey entrances, exits and any dark or hidden areas. Plans should include:
    - (i) the location of lighting inside and outside the premises
    - (ii) the location of any physical security features for example CCTV equipment, its coverage of the interior and exterior of the premises
    - (iii) CCTV, which is to be recordable, kept for a minimum of 31 days and made available to the police and Licensing Authority on request. When details of security measures are provided, they will be kept out of the public domain.
  - (e) provision of adequate search facilities where applicable to the use of the premises
  - (f) measures to be taken to prevent the consumption of alcohol on the premises other than where it is legal and to ensure those under the influence of alcohol are not permitted to gamble
  - (g) measures to be taken to prevent the possession, supply or consumption of illegal drugs on the premises and to ensure that those under the influence of drugs are not permitted to gamble. Any drugs policy should cover the requirement to notify the Police
  - (h) measures to be taken to prevent the possession of offensive weapons on the premises
  - (i) details of any proof of age scheme

- (j) details of the process to ensure that children do not have access to adult only gaming facilities
- (k) measures aimed at discouraging anti-social behaviour
- (l) measures aimed at preventing children and other vulnerable persons from being exposed to incidents of violence or disorder
- (m) measures to address circumstances where there have been known instances of:
  - (i) harbouring drug dealing, or there is a known association with drug dealers
  - (ii) the possession of weapons on the premises, or where there is a known association with such activity
  - (iii) offences against children or involving children, for example, allowing under 18s to participate in adult gambling.
- (n) details of helplines and guidance for those who may have alcohol, drug or gambling problems.

**This information could be achieved by submission of the local risk assessment as required after 6<sup>th</sup> April 2016.**

### **3.4 Ensuring that gambling is carried out in a fair and open way**

3.4.1 Generally the Gambling Commission would not expect the Licensing Authority to ensure that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the operating licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the personal licence). The Gambling Commission will be responsible for both of these matters and its expectations by way of measures are set out in its Codes of Practice.

3.4.2 There is more of a discretion for the Licensing Authority for authorisations which do not require an operating or personal licence and for tracks where practices may be added to ensure that the betting environment is suitable (see paragraph 6.10 on tracks). The Licensing Authority will expect these applicants to demonstrate how they will meet this objective.

3.4.3 If during the course of considering an application for a premises licence, permit or other notice or at any other time, the Licensing Authority receives information that causes it to question the suitability of the applicant or licence holder to hold an operating licence, or an individual to hold a personal licence the Licensing Authority will notify the Gambling Commission and/or other appropriate authorities without delay.

3.4.4 Because the Licensing Authority cannot attach conditions on an application for a permit, it may refuse the application where the above requirements and GLP2 are not met.

#### **GLP2**

Ensuring that gambling is carried out in a fair and open way

The Licensing Authority encourages applicants who do not fall within the jurisdiction of the Gambling Commission (see paragraph 3.4.2) to conform to the code of practice issued by the Gambling Commission and by the conditions of their operating licence.

Failure to demonstrate this may result in the application being refused. In particular:

1. For applications which do not require an operating licence or personal licence, applicants are to demonstrate how information is to be provided about the rules and terms of gambling so that:
  - (a) customers can make an informed decision as to whether and how to participate in gambling
  - (b) customers know the contractual terms and conditions of gambling
  - (c) information is displayed in a clear, accessible and intelligible way.Information should be:
  - (i) bold, precise and clearly located on or near where the game or bet is placed (e.g. machines, track etc)
  - (ii) where the customer base includes people whose first language is not English, notices should be in other languages as appropriate
  - (d) the information displayed on the premises and on promotional information should include:
    - (i) rules of the game or bet
    - (ii) the odds of winning or losing in different scenarios
    - (iii) changes in the rules which must be bold, precise and communicated to the customer so they are fully aware of them
    - (iv) the average return to the player (the payout percentage)
    - (v) the minimum and maximum stakes
    - (vi) information about the machine characteristics (for example compensated/ random)
    - (vii) how quickly the winnings will be paid out and in what form
    - (viii) the dispute and complaints procedures
  - (e) in addition:
    - (i) the operation of the games must be consistent and in line with the rules of the games
    - (ii) the layout of the premises must ensure that the games and bets can be conducted in a fair and open way
    - (iii) no advertising or other marketing tool inside or outside the premises or any part of the media which misleads the customer as to the rules of the game or encourages them not to read the rules.

### **3.5 Protection of children and other vulnerable persons**

3.5.1 As outlined in the borough profile from paragraph 1.6, Hastings population has a higher than average number of vulnerable persons. It is particularly important that the Policy has regard to these facts in seeking to address inequality and deprivation.

3.5.2 The Licensing Authority will, when determining applications consider whether the grant of a premises licence is likely to result in children and other vulnerable persons being harmed or exploited by gambling. Applications are encouraged to demonstrate to the satisfaction of the Licensing Authority, in consultation with the local Safeguarding Children Board, how they intend to implement their measures at an operational and local level to promote this objective.

3.5.3 In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or exploited by gambling. This means preventing them from taking part in gambling and having

restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children. The Licensing Authority will therefore judge the merits of each application before considering whether specific measures are required such as:

- restrictions on advertising and style of the premises where premises cater solely or mainly for adults so that gambling products are not aimed at children or advertised in such a way to make them particularly attractive to children
- restrictions on layout or on where certain machines may be in operation.

3.5.4 In addition, the Licensing Authority will seek to ensure the layout of the premises does not encourage gambling products to be aimed at children or in such a manner that makes them particularly attractive to children.

3.5.5 The Licensing Authority will expect those who operate or control gambling licensed premises or gambling events to have regard to child welfare. They should ensure that their policies and procedures take account of the structure and layout of their gambling premises to prevent access to gambling by children and young persons.

3.5.6 It should be noted that the definition “vulnerable persons” includes but is not limited to 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.

3.5.7 With regard to the protection of vulnerable persons, the Licensing Authority will consider whether special considerations are required. These will need to be balanced against the authority’s aim, in the case of premises licensing, to permit the use of the premises for gambling.

3.5.8 When determining an application to grant a premises licence, regard will be given to the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate. These may include schools, vulnerable adult centres, addiction centres, day centres or services used by vulnerable adults or residential areas where there may be a high concentration of families with children. It may also include school routes and places that attract unaccompanied children for recreation and leisure. Such matters will only be considered in a review hearing if the location of those premises has a bearing on the need for the review called.

3.5.9 The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will be decided on its merits and may depend in part on the type of gambling proposed. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

### **3.6 Access to licensed premises**

3.6.1 With the exception of bingo halls, non-gambling areas of tracks on race days and licensed family entertainment centres, children will not be permitted to enter adult only licensed gambling premises.

3.6.2 The Licensing Authority will consult with the local Safeguarding Children Board on any application that indicates there may be concerns for children or vulnerable persons over access to gambling.

#### GLP3

The protection of children and other vulnerable persons from being harmed or exploited by gambling.

1. Applicants are expected to demonstrate within their application that:
  - (a) the design and style of their premises and any external signage, advertising or promotional material is not aimed or marketed at attracting children to premises or areas which are reserved for adult gambling
  - (b) children are not to be exposed to gambling which is legally restricted to adults
  - (c) measures have been taken to prevent children from being in close proximity to types of gambling restricted to adults for example, gaming machines of class A,B or C
  - (d) staff have been or will be appropriately trained to understand the following;
    - (i) which class of machine is restricted to adults only
    - (ii) any areas where children and young persons are not to be permitted.
    - (iii) child protection requirements
    - (iv) reporting concerns about the welfare of a child to the Duty and Assessment Team, the Council
    - (v) reporting concerns about the welfare of vulnerable persons to Safeguarding Vulnerable Adults, Adult Services, the Council.
2. The Licensing Authority may consider specific measures to protect under 18s and vulnerable persons on certain categories of premises. These measures include:
  - (a) supervision of entrances
  - (b) segregation of gambling from areas frequented by children
  - (c) supervision of gaming machines in adult only gambling premises
  - (d) separate and identifiable entrances and exits from parts of buildings with more than one licence.
3. Where category C or above machines are available in premises to which children are admitted applicants are encouraged to demonstrate that they have taken such measures to ensure that:
  - (a) all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
  - (b) only adults are admitted to the area where the machines are located
  - (c) access to the area where the machines are located is supervised
  - (d) the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
  - (e) at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
4. For applications that do not require an operating licence or personal licence, the Licensing Authority will consider:
  - (a) any convictions or cautions in relation to the admission of under 18 year olds
  - (b) requirement for children under 14 to be accompanied by an adult

(c) measures the applicant is taking to prevent children from being in close proximity to types of gambling restricted to adults (for example, category A, B or C gaming machines). Such measures may include “No Under 18s to Play” notices displayed on category A, B and C machine fronts in alcohol licensed premises, or the adoption of an effective proof of age scheme.

5. Where there have been convictions or cautions for serving alcohol to under 18s, or allowing under 18s to participate in adult gambling, applicants may be asked to demonstrate these matters have been addressed. This may give rise to particular concerns as to whether it will be appropriate to permit the admission of children to the premises during some or all of its hours of operation.

6. Where limiting access to children or young persons is considered necessary, the Licensing Authority will consider the following options:

- (a) limiting or excluding when certain activities are taking place or at certain times
- (b) a requirement for children under a certain age to be accompanied by an adult
- (c) an age limitation for under 18s
- (d) access may be limited to certain parts of the premises.

#### **4. Location of gambling premises and gaming machines**

4.1 When considering authorisations, including the need for conditions to be attached to licences, the Licensing Authority will primarily focus on the location, suitability and management of the premises and how this might directly impact upon the licensing objectives, whilst aiming to permit the use of the premises for Gambling in line with the Act..

4.2 When determining an application to grant or review a premises licence regard will be given on a case by case basis to the location of the premises and its proximity to other establishments in terms of the licensing objectives which include the protection of children and vulnerable persons and issues of crime and disorder. From April 2016 all applicants for new licences or variations to existing licences should be accompanied by a local area risk assessment prepared by the operator. This should show the potential risks posed by the provision of gambling facilities at each of their premises and show that there are policies, procedures and control measures in place to mitigate the risks. This area risk assessment should be reviewed if there are significant local or premises changes that could impact the operators ability to uphold the licensing objectives.

4.4 In addition, where there are specific risks or problems associated with a particular locality or specific premises, or class of premises, conditions may be attached to reflect this on a case by case basis in a hearing following relevant representations, where permitted by law.

GLP4

Location of gambling premises and gaming machines

1. In considering the locations for a premises licence, permit or notice, the Licensing Authority will consider and will have expected the applicants to have considered:
  - (a) the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate
  - (b) the size and scope of the gambling premises concerned
  - (c) the type of gambling proposed on the premises.
2. In considering the locations for gaming machines, the Licensing Authority will consider:
  - (a) the size of the premises and 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 or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer
  - (b) the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people
  - (c) restricting the number and location of such machines in respect of applications for track betting premises licences
  - (d) the location of gaming machines at tracks
  - (e) the locations of gaming machines where the applicant holds a pool betting operating licence and wishes to apply for a track premises licence using their entitlement to four gaming machines. The applicant will need to demonstrate that these machines are located in areas from which children are excluded
  - (f) segregation of category C and D machines in family entertainment centres.

## **5. Hours of operation**

5.1 The Licensing Authority will have regard to the Guidance and default conditions relating to operating hours and will consider excluding and replacing default conditions as appropriate and on a case by case basis if there is clear evidence of a particular risk..

5.2 Where limiting access to children is considered necessary, the Licensing Authority will consider a limit on the hours when children may be present on the premises

## **6.Primary Gambling Activity**

6.1 The primary activity of each premises licence type is specified on the premises licence when issued by the Authority. Section 150 Gambling Act 2005 authorises the provision of Gambling facilities for the following types of premises licences; Casino premises, bingo premises, betting premises (including tracks), adult gaming centre premises and family entertainment centre premises.

6.2 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 both the Local Authority Guidance and in Codes of practice.

It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

6.3. The Authority will take decisions in accordance with the Commissions guidance and codes of practice on primary gambling activity and will have regard to the advice which it issues from time to time, we will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operators licence. Applicants for a new premises licence, or wishing 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..

#### GLP5

##### Hours of operation

The Licensing Authority will have regard to the following:

- (a) Codes of Practice when determining the hours of operation
- (b) licensing hours fixed will always reflect the individual merits of the application, any relevant representations received and the requirement to uphold the licensing objectives
- (c) earlier hours may be set if the individual circumstances require it. Applicants are encouraged to demonstrate that there would be no breach of the licensing objectives if later hours are requested, especially if requests are made to go beyond midnight in residential areas
- (d) the Licensing Authority will consider the levels of crime and disorder in the area of the application and police resources available to address this late at night
- (e) applicants are encouraged to exclude children from premises or events where children are present by 9pm unless the applicant can demonstrate how they can operate beyond these hours without risking harm to children in these circumstances.

## 6 Premises licences

### 6.1 General principles

6.1.1 An application for a premises licence may only be made by persons over 18 years old, companies or partnerships.

6.1.2 The Licensing Authority can only consider a premises licence application where the applicant:

- has a right to occupy the premises at the time the application is made and can provide evidence of this if requested; and
- holds or has applied for an operating licence which allows the proposed activity to be carried out.

6.1.3 It should be noted that the premises licence may only be determined once the operating licence has been issued.

6.1.4 The Licensing Authority will expect the applicant for a premises licence to demonstrate that they have or have applied for the appropriate operating and/or personal licences from the Gambling Commission.

6.1.5 Where no application for an operating licence has been made, the premises licence application will be refused.

6.1.6 Premises licences will be subject to the requirements set out in the Act and regulations, which include mandatory and default conditions. Licensing authorities are able to exclude default conditions and also attach others where appropriate, if a specific risk is identified..

## **6.2 Definition of “premises”**

6.2.1 Premises are defined in the Act as including “any place”. Different premises licences cannot apply in respect of 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 different premises. This will always be a question of fact depending on the circumstances and the Guidance provides further detail on this. It should be noted that areas of a building that are artificially or temporarily separate can not be properly regarded as different premises and the Licensing Authority would therefore normally expect genuine separation in this regard to be a permanent and substantial physical separation of the premises.

6.2.2 This Licensing Authority will 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 on a case by case basis and with regard to the Act and the statement of principles behind the Act, as explained in the Guidance which is to limit the number and type of machines in particular premises. Where the Licensing Authority is not satisfied that the premises are separate, it will be unable to issue further premises licences on that premises concluding that a premises licence already exists. The following factors will be taken into account in determining whether the premises is in fact a “premises” and therefore able to submit such application(s):

- whether entrances and exits which form parts of a building covered by one or more licences are properly and suitably separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it is expected that the premises will be separated by a floor to ceiling division whereby each “premises” can be accessed without going through another licensed premises or premises with a permit particularly where this is required by the Act
- whether the premises have a separate registration for business rates
- whether the premises have different postal addresses
- whether the premises and its neighbouring premises is owned by the same person
- whether each of the premises can be accessed from the street or a public passageway
- whether the premises are accessible only from another gambling premises.

6.2.3 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises. There will be specific issues to be considered before granting such applications, for example:

- whether children are not only prevented from taking part in gambling but also prevented from being in close proximity to gambling

- whether children are invited to participate in, can gain accidental access to or closely observe gambling where they are prohibited from participating
- compatibility of the two types of establishments
- whether taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would or should be prohibited under the Act. The applicant will need to show for example that direct access between the premises is prevented if the premises licence condition requires it
- whether customers can primarily participate in the gambling activity named on the premises licence.

6.2.4 Applicants will need to demonstrate that the primary purpose of the premises will be fulfilled and are encouraged to provide to the Licensing Authority the precise arrangements for primary and ancillary gambling activities at the premises. The Licensing authority will have proper regard to the latest Gambling Commission Guidance on “Primary Use” of gambling premises.

### **6.3 Premises “ready for gambling”**

6.3.1 A licence to use a 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. The Guidance provides advice on this.

6.3.2 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, this Authority will determine applications on their merit, considered in a two stage process:

- firstly, whether as a matter of substance the premises ought to be permitted to be used for gambling and
- secondly, in deciding whether or not to grant the application, consider if 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.

6.3.3 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 may be a better option and applicants are encouraged to discuss which route is appropriate with the Licensing Authority. For example, where applications are received in respect of uncompleted premises which it appears are not going to be ready to be used for gambling for a considerable period of time, the Licensing Authority ought to consider whether, applying the two stage process, it should grant a licence or whether the circumstances are more appropriate for a provisional statement application. Please refer to paragraph 7 on provisional statements.

6.3.4 If a premises licence is to be sought before the premises is ready to be used for gambling the applicant should consider offering appropriate conditions and/or providing a future effective date for the licence to commence.

## 6.4 What will be considered

6.4.1 All applicants for premises licences are encouraged to set out how they will have regard to the licensing objectives, as specified in paragraph 1.2.1 and what measures they intend to employ to ensure compliance with them. This will assist the Authority, responsible authorities and interested parties to consider whether the application accords with the licensing objectives and is therefore more likely to avoid unnecessary hearings. The applicant may ask the Licensing Authority for advice as to the scope of information to be provided which will be proportionate to the scale and nature of the application made.

6.4.2. With effect from 6<sup>th</sup> April 2016, the Licensing Authority will require all licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedure 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.

Licencees must review; update as necessary their local risk assessments;

1. To take account of significant changes in local circumstances, including those identified in the statement of licensing policy;
2. When there are significant changes at a licensee's premises that may affect their mitigation of local risks
3. When applying for a variation of a premises licence
4. In any case, undertake a local risk assessment when applying for a new premises licence.

Licensees are expected to share their risk assessment with the Authority when applying for a new licence or a variation to an existing licence or for any other reason on request.

## 6.5 Conditions

6.5.1 Licensing is about the control of gambling licensed premises within the terms of the Act. The starting point in determining applications will be to grant the application without attaching conditions.

6.5.2 Conditions may be attached to licences that will cover matters within the control of individual licensees. Conditions are attached to a premises licence in the following ways:

- automatically under the Act
- through regulations as mandatory and/or default conditions
- by the Licensing Authority.

6.5.3 For instance, there are mandatory conditions which attach to all licences or licences of a particular class. Specific conditions which attach to an individual licence will only be attached by the Licensing Authority following a hearing or where the applicant has agreed conditions with a responsible authority or interested party.

6.5.4 The Licensing Authority can exclude any default conditions from the premises licence. The Licensing Authority will where necessary impose conditions that are:

- in accordance with the Guidance
- in accordance with the Code of Practice
- in accordance with the Statement of Principles or

- in a way that is reasonably consistent with the licensing objectives.

6.5.5 Conditions imposed by the Licensing Authority will be proportionate to the circumstances and risks which they are seeking to address. In particular, the Licensing Authority will where appropriate apply conditions that are:

- 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.

6.5.6 The Licensing Authority does not propose to implement standard conditions on licences but may attach conditions as appropriate given the circumstances of each individual case. It will seek to avoid duplication with other systems so far as possible and will not attach conditions unless they are considered necessary having regard to existing regimes. For example, where applicants fail to adequately address the provisions of the relevant GLPs to the satisfaction of the Licensing Authority, it may attach conditions to alleviate concerns triggered by the lack of information provided.

6.5.7 There will be a number of measures the Licensing Authority will consider utilising should there be a perceived requirement such as the use of supervisors, appropriate signage for adult only areas as set out in GLP1 - 6. There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the applicant to offer measures as to ways in which the licensing objectives can be met effectively.

6.5.8 The Licensing Authority will consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the proper segregation of primary gambling activities in addition to matters in GLP1-6. These matters are in accordance with the Guidance.

6.5.9 This Licensing Authority may contact the Gambling Commission or the applicant to obtain a copy of the operating licence to consider any conditions that may cover the way in which the Gambling Commission expect the objectives to be met. It will assess whether the corresponding premises licence requires any specific expansion on these measures by way of conditions based upon the application and information provided.

6.5.10 There are conditions which the Licensing Authority cannot attach to premises licences. These are any conditions:

- on the premises licence which make it impossible to comply with an operating licence condition;
- relating to gaming machine categories, numbers, or method of operation;
- which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- in relation to stakes, fees, winning or prizes.

#### GLP6

##### Premises licences

Applicants for a premises licence will need to have regard to GLP1 to GLP6 in all cases and will also need to identify what type of premises licence is being sought.

- (1) Nothing in this statement of principles will override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each case will be considered on its own merits and according to the statutory requirements contained within the Gambling Act 2005.
- (2) The Council understands that moral objections to gambling are not a valid reason to reject applications for a premise licence; and also that unmet demand is not a criterion for consideration by the Council with respect to the gambling legislation.
- (3) In addition, applicants for a premises licence are encouraged to demonstrate:
  - (i) that the appropriate operating and personal licences are in place from the Gambling Commission where relevant and
  - (ii) that they have a right to occupy the premises at the time of making the application
  - (iii) how the applicant will promote the licensing objectives with regard to GLP1 to GLP6.
- (4) The Licensing Authority will exclude default conditions or attach conditions where appropriate.
- (5) The Licensing Authority may only consider the grant of a licence where it is going to be ready to be used for gambling in the reasonably near future and (where necessary) the Licensing Authority and/or responsible authorities have been allowed to inspect the premises.
- (6) For multiple licences for a building and those relating to a discrete part of a building used for other non-gambling purposes the Licensing Authority will in particular consider;
  - (i) the measures to prevent people “drifting” into a gambling area
  - (ii) the potential for children to gain access
  - (iii) the ability of two or more establishments to comply with the requirements of the Act.
- (7) Applications must, where appropriate be accompanied by detailed plans to the satisfaction of the Licensing Authority to include, where relevant, details of;
  - (i) entrances and exits
  - (ii) number and positions of counters,
  - (iii) number and positions of gaming machines
  - (iv) location of lighting inside and outside
  - (v) location of CCTV.

## **6.6 Adult gaming centres**

6.6.1 The Licensing Authority will expect the applicant to provide sufficient measures to ensure that under 18 year olds do not have access to the premises.

### **GLP7**

#### **Adult gaming centres**

Applicants must have regard to GLP1 - GLP7 when making an application for an adult gaming centre.

Applicants should where appropriate offer their own measures to meet the licensing objectives such as:

- (a) proof of age schemes
- (b) CCTV
- (c) physical and/or remote supervision of entrances / machine areas
- (d) physical separation of areas.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

## 6.7 Licensed family entertainment centres (FECs)

6.7.1 The Licensing Authority will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that those who are under 18 years old do not have access to the adult gaming machines. For example, this could be achieved through the physical segregation and supervision of these gaming machines.

### GLP8

#### Licensed family entertainment centres

Applicants must have regard to GLP1 - GLP6 when making an application for an FEC. Applicants should, where appropriate, offer their own measures to meet the licensing objectives such as:

- (a) CCTV
- (b) supervision of entrances / machine areas
- (c) physical separation of areas
- (d) location of entry
- (e) notices / signage
- (f) specific opening hours
- (g) self-barring schemes
- (h) provision of information leaflets / helpline numbers for organisations such as GamCare
- (i) measures / training for staff on how to deal with suspected truant school children on the premises
- (j) measures/training by way of a premises log book, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

## 6.8 Bingo premises

6.8.1 Applicants are to have regard to GLP 1 - 6. If children are allowed to enter premises licensed for bingo, they are not to participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, the Licensing Authority will expect the applicant to comply with GLP3.

6.8.2 It is noted that door supervisors at bingo premises are exempt from needing to be SIA registered. This is explained in more detail at paragraph 3.3.

6.8.3 Applicants will need to demonstrate that bingo can be played on the proposed bingo premises. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas. Paragraph 6.2 provides detail on the circumstances in which the splitting of a pre-existing premises into two adjacent premises may or may not be permitted.

## 6.9 Betting premises

6.9.1 Children and young people are not permitted to access betting premises.

6.9.2 For betting machines within a betting premises the Licensing Authority will take into account the following factors:

- the size of premises
- the number of counter positions available for person-to-person transactions
- ability of staff to monitor the use of the machines by children, young and vulnerable persons.

### GLP9

#### Betting premises

Applicants must also have regard to GLP1 - GLP6 when making an application for a betting premises licence.

The Applicant should where appropriate, offer their own measures to meet the licensing objectives such as:

- (a) CCTV
- (b) supervision of entrances / machine areas
- (c) location of entry
- (d) notices / signage
- (e) specific opening hours
- (f) self-barring schemes
- (g) provision of information leaflets / helpline numbers for organisations such as GamCare.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

## 6.10 Tracks

6.10.1 Applicants are to have regard to GLP 1-10 where relevant. This Licensing Authority is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon the protection of children and vulnerable persons from being harmed or exploited by gambling and the need for applicants to demonstrate that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

6.10.2 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 they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

6.10.3 The Guidance sets out the considerations for where gaming machines may be located on tracks Applications for track premises licences will need to demonstrate that where the applicant holds a pool betting operating licence and is going to use their entitlement to four gaming machines, these machines are located in areas where children are excluded.

6.10.4 The Licensing Authority where appropriate will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed on the race-card or made available in leaflet form from the track office.

6.10.5 Separate Guidance has been produced which sets out the specific requirements for these types of applications. The Licensing Authority will expect applicants to provide detailed plans for the racetrack itself and the proposed gambling facilities.

6.10.6 It would be preferable for all self-contained premises operated by off-course betting operators on a track to be the subject of a separate premises licence, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator. For occasional permissions to carry out betting on tracks, please refer to paragraph 13 which deals with occasional use notices.

#### GLP10

##### Tracks

Applicants are also to have regard to GLP 1 – GLP 9 where relevant.

1. The applicant should where appropriate demonstrate the following measures have been addressed:

- (a) entrances to each type of premises are distinct
- (b) children are excluded from gambling areas where they are not permitted to enter
- (c) children do not have access to adult only gaming facilities
- (d) track operators ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public
- (e) detailed plans are provided to the Licensing Authority for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (for dog tracks and horse racecourses, show fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities)
- (f) identify what authorisations are being sought under the track betting premises licence along with any other areas that may be subject to a separate application for a different type of premises licence
- (g) where category C or above machines are on offer in premises to which children are admitted, the relevant considerations in GLP3 should be addressed.

2. This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives such as:

- (a) proof of age schemes
- (b) CCTV
- (c) supervision of entrances / machine areas
- (d) physical separation of areas
- (e) location of entry
- (f) notices / signage
- (g) specific opening hours
- (h) self-barring schemes
- (i) provision of information leaflets / helpline numbers for organisations such as GamCare.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

## **6.11 Travelling fairs**

6.11.1 Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements in how the machine operates in a fair and open way (please refer to GLP2 for more detail). They may provide an unlimited number of Category D gaming machines and the Licensing Authority will expect the applicant to demonstrate that the gambling facilities amount to no more than an ancillary amusement at the fair.

6.11.2 The Licensing Authority will consider whether the statutory definition of a travelling fair applies. The 27 day statutory maximum (per calendar year) for the land being used as a fair applies to the land on which the fairs are held, regardless of whether the same or a different travelling fair occupies the land.

6.11.3 The Licensing Authority will work with neighbouring authorities to ensure that land that crosses shared boundaries is monitored so that the statutory limits are not exceeded.

## **7. Provisional statements**

7.1 An application for a provisional statement can be made where the applicant expects the premises to be constructed, to be altered or to acquire a right to occupy. Such an application is a separate and distinct process to the granting of planning permission or building control.

7.2 Following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account in the determination of a premises licence application, unless they concern matters which

could not have been addressed at the provisional statement stage, or in the opinion of the Licensing Authority, they reflect a change in the applicant's circumstances.

**GLP11****Provisional Statements**

Applicants should have regard to GLP1 – GLP 10 where relevant.

Applications for provisional statements shall be dealt with in the same way as a premises licence.

## **8. Unlicensed family entertainment centres (unlicensed FECs) gaming machine permits: Statement of principles on permits**

8.1 Where category D gaming machines are only to be provided, applicants may apply to the Licensing Authority for an unlicensed FEC gaming machine permit. The applicant must show that the premises will be wholly or mainly used for making gambling available for use. An application for this permit cannot be made where a premises licence has effect on the same premises.

8.2 The Licensing Authority may only grant or reject an application for a permit and can not impose or attach any conditions.

8.3 The Gambling Commission will not be involved in this process as neither an operating licence nor a personal licence is required. It is therefore essential that the Licensing Authority satisfies itself as to the suitability of the applicant and to the operation being proposed.

8.4 The Licensing Authority must be satisfied that:

- a) the applicant has demonstrated that the premises will be used as an unlicensed FEC and
- b) Hastings Police have been consulted on the application.

8.5 The Licensing Authority will look at the suitability of an applicant for a permit. As unlicensed FECs will particularly appeal to children and young persons, the Licensing Authority will expect the applicant to demonstrate their suitability and the measures in place to protect children from harm as well as to prevent crime and disorder by providing the following:

- applicant and staff training/ understanding of the maximum stakes and prizes that is permissible in unlicensed FECs
- applicant's Criminal Records Bureau check or equivalent, as agreed with the police. This may include a requirement to provide details of residential addresses over the last five years
- applicant's previous history and experience of running similar premises
- any policies and procedures in place
- a scaled plan of the premises
- a written operating schedule
- any supporting documentation as to the design and layout of the premises.

8.6 Harm in the context of protecting children is not limited to harm from gambling but includes wider child protection considerations. As such, any policies and procedures will each be considered on their overall merits.

8.7 The Licensing Authority will have regard to the Policy, the licensing objectives and any relevant Guidance or Code of Practice when considering a permit application. Applicants should in particular have regard to GLP1, GLP4, GLP6 and GLP12 when making an application, but need to also consider GLP2, GLP3 and GLP5 where these relate to children and young persons.

8.8 This statement of principles applies to initial applications only and not to renewals. The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

8.9 Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.

8.10 Where the permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with Regulations. The permit will then remain in effect for 10 years unless surrendered or lapsed.

8.11 Details of applications for unlicensed FEC permits will be available on the Council's website or by contacting the Licensing Service.

8.12 Applicants for unlicensed FEC permits are expected to undertake that they will comply with BACTA's Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This code of practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

#### GLP12

Statement of principles for unlicensed family entertainment centres (unlicensed FECs)

Applicants for an unlicensed family entertainment centre permit are to have regard to GLP1 - GLP6 and GLP8 where relevant.

1. Applicants are required to demonstrate that;
  - (a) they have permission to occupy the premises at the time of making the application
  - (b) the premises will be used as an unlicensed FEC and
  - (c) the Chief Officer of Police for Hastings Borough has been consulted on the application.
2. Applications should normally be accompanied by an assessment of how the applicant will promote the licensing objectives with regard to GLP1 to GLP6 to demonstrate such matters as:
  - (a) numbers of staff employed and on duty at any given time
  - (b) details of opening hours
  - (c) details of Proof of Age schemes

- (d) adoption of appropriate measures / training for staff as regards suspected truantiing school children on the premises
  - (e) evidence of staff training by way of a Premises Log Book, covering how staff will deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises
  - (f) evidence that the applicant and staff are trained to have a full understanding of the maximum stake and prizes that are permissible.
3. The application must also be accompanied by detailed plans drawn up to the satisfaction of the Licensing Authority and which include:
- (a) location of entrances and exits
  - (b) number and positions of Category D machines
  - (c) location of lighting inside and outside
  - (d) location of CCTV
  - (e) the amount of space around gaming machines to prevent jostling of players or intimidation
  - (f) location and supervision of Automated Teller Machines
  - (g) the location of appropriate clear and prominent notices and barriers, such notices to state:
    - (i) that no unaccompanied child will be permitted to remain on the premises if that person is required by law to attend school
    - (ii) no smoking on the premises
    - (iii) highlighting the need to play responsibly.
4. The application should normally also be accompanied by:
- (a) evidence that the applicant and staff have no relevant convictions (those that are in Schedule 7 of the Act)
  - (b) insurance documents and any other such information the Licensing Authority will from time to time require.

## **9. Prize gaming permits: Statement of principles**

9.1 Prize gaming permits allow the provision of facilities for gaming with 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 for or raised by the gambling. The Act makes no provision for single site gaming machine permits such as fish and chip shops, minicab offices and cafes.

9.2 In determining the suitability of the applicant for a permit this Licensing Authority will expect the applicant to set out the types of gaming to be offered demonstrating:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law
- that they meet the objective of carrying out gambling openly and fairly as set out at GLP2
- that the premises are mainly or wholly used for gambling purposes.

9.3 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Guidance.

9.4 The Licensing Authority cannot attach conditions to a permit however; the permit holder must comply with the following statutory conditions:

- the limits on participation fees, as set out in Regulations
- 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 a non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

## **10. Alcohol licensed premises gaming machine permits**

10.1 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 notify the Licensing Authority of this automatic entitlement. The only exception to this entitlement is where alcohol is provided ancillary to a table meal.

10.2 Once notice has been acknowledged, 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 where the following conditions have not been met:
  - written notice has been provided to the Licensing Authority
  - the correct fee has been submitted and
  - any relevant code of practice issued by the Gambling Commission about the location and operation of the gaming machine has been complied with
- the premises are mainly used for gaming or
- an offence under the Act has been committed on the premises.

10.3 The Licensing Authority shall, before removing this automatic entitlement, give the licence holder 21 days notice of its intention, consider any representations made by the licence holder and hold a hearing if requested.

10.4 If an alcohol licensed premises wishes to have 3 or more category C or D gaming machines, then it needs to apply for an alcohol licensed gaming machine permit specifying the premises in respect of which the permit is sought and the number and category of gaming machines. Where the application requirements are not met it will be deemed that the application has not been made correctly and will be returned to the applicant. The Licensing Authority must consider a valid application based upon the licensing objectives, any Guidance and Codes of Practice, comments from responsible authorities and “such matters as they think relevant.”

10.5 The Licensing Authority considers “such matters” on a case by case basis.

## 11 Club gaming and club machine permits

11.1 Members clubs and miners' welfare institutes may apply for a club gaming permit or a club machine permit.

11.2 Commercial clubs may only apply for a club machine permit.

11.3 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.

11.4 A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

11.5 Members clubs and commercial clubs must:

- have at least 25 members
- be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations
- be permanent in nature.

11.6 Members clubs must, in addition to the above,

- not be established to make a commercial profit
- be controlled by its members equally.

11.7 Members clubs include bridge and whist clubs, working men's clubs, branches of Royal British Legion and clubs with political affiliations.

11.8 Commercial clubs have the same characteristics as members clubs however, the key difference is that they are established with a view to making profit. An example of this would be a snooker club.

11.9 A Licensing Authority may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' club or miners' welfare institute or commercial club 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 Gambling Commission or the police.

11.10 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. The grounds for refusal are:

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

11.11 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 Codes of Practice about the location and operation of gaming machines.

## **12 Temporary use notices (TUNs)**

12.1 TUNs allow the holder of an operating licence to temporarily use a set of premises for gambling where there is no premises licence in place. Hotels, conference centres or sporting venues may typically utilise this permission. A set of premises can be subject to TUNs for up to 21 days in any 12 month period.

12.2 The notice must be lodged with the Licensing Authority no less than 3 months and one day from the event, and copies sent to the Gambling Commission, the police and HM Commissioner for Revenue and Customs.

12.3 There are a number of statutory limits regarding temporary use notices.

12.4 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" and applicants will note paragraphs 6.2 which set out the expectations in this regard. In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership, occupation and control of the premises. For example, an exhibition centre may cover one set of premises. This compares to a shopping centre which may cover different sets of premises as it may be occupied and controlled by different people.

12.5 This is a new permission and the Licensing Authority will be ready 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.

### **GLP13**

#### **Temporary use notices (TUNs)**

The Licensing Authority will expect the licensee to demonstrate that measures have been taken to promote the licensing objectives having regard to GLP1 - GLP9 where relevant. The Licensing Authority, will require 3 months and one day written notice and copies sent to the Gambling Commission, the police and HM Commissioner for Revenue and Customs prior to the gambling event taking place.

## **13 Occasional use notices**

13.1 This notice allows for betting on a track without the need for a premises licence on 8 days or less in a calendar year. The Licensing Authority has very little discretion regarding these notices aside from ensuring that the statutory limit of 8 days in a

calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **14 Small society lotteries**

14.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission) and
- exempt lotteries (including small society lotteries registered by the Licensing Authority).

14.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission.

14.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes on all lotteries, limits placed on small society lotteries and information setting out financial limits is available by contacting the Licensing Service.

14.4 Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

14.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Guidance.

14.6 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of their registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably electronically by emailing [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk).

14.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.

14.8 The Licensing Authority may refuse an application for registration if in their opinion:

- the applicant is not a non-commercial society

- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence or
- information provided in or with the application for registration is false or misleading.

14.9 The Licensing Authority will ask applicants to complete an application form setting out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society.

14.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available its procedures on how it handles representations.

14.11 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration in the same manner it would be minded to refuse registration.

14.12 Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an operator's licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.

## **15 Enforcement and inspection**

15.1 The Licensing Authority will investigate complaints against licensed premises in relation to matters for which it has responsibility. The Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

15.2 Where it is appropriate to follow an inspection and/or enforcement approach, the Licensing Authority's principles are that it will be guided by the Guidance and will endeavour to be:

- proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised
- accountable: regulators must be able to justify decisions, and be subject to public scrutiny
- consistent: rules and standards must be joined up and implemented fairly
- transparent: regulators should be open, and keep regulations simple and user friendly and
- targeted: regulation should be focused on the problem, and minimise side effects.

15.3 This Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

15.4 The Licensing Authority applies a risk based inspection programme based on:

- the licensing objectives
- relevant Codes of Practice
- Guidance
- the Policy.

15.5 The main enforcement and compliance role for this Licensing Authority is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences, dealing also with concerns about manufacture, supply or repair of gaming machines.

15.6 The Authority has an ongoing test purchasing operation developed with the Gambling Commission and Sussex Police to test the ability of operators to promote the licensing objectives.

15.7 The Authority will consider all its enforcement options if premises subject to random test purchasing fail on more than one occasion. This could include the review of a premises licence.

#### GLP14

##### Enforcement

The Licensing Authority will inspect premises that are the subject of a new premises licence application and reserves the right to inspect premises for which a permit or other permission has been sought from the Licensing Authority under the provisions of the Act.

- (a) Inspections will be undertaken by the Licensing Authority and/or a relevant responsible authority
- (b) Where the applicant has not allowed reasonable access permission will normally be refused.
- (c) The Licensing Authority and/or relevant responsible authority reserve the right to inspect premises at any time following the grant of a licence, permit or other permission, as permitted by the Act.

## 16 Licensing reviews

16.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. The Licensing Authority will then decide whether the review is to be carried out on the basis of whether the request for the review is relevant.

16.2 Due consideration will be given to all representations unless:

- a) The grounds are frivolous
- b) The grounds are vexatious
- c) The grounds are irrelevant

d) The grounds will certainly not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence

e) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or the grounds are substantially the same as representations made at the time the application for a premises licence was considered.

16.3 The authority will also consider whether the request for the review is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant Guidance
- reasonably consistent with the licensing objectives and
- in accordance with the Statement of Principles.

16.4 Where a valid application for a licence to be reviewed has been received, the Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the licensing committee consider their valid representations, or for any licence holder to decline to participate in a conciliation meeting.

16.5 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate or of its own volition.

16.6 Representations may include issues relating to the following:

The use of licensed premises for:

- the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes
- the sale and distribution of illegal firearms
- prostitution or the sale of unlawful pornography, sexual exploitation and trafficking
- organised crime activity
- the organisation of racist, homophobic or sexual abuse or attacks
- the sale of smuggled tobacco or goods or pirated DVDs
- the sale of stolen goods
- for the sale of items which require additional licences which are not in place, for example, for the sale of knives, alcohol and/or fireworks
- Children and/or vulnerable persons being put at risk.

16.7 This is not an exhaustive list and other matters may be considered.

## **17 Revocation and cancellation**

17.1 One of the possible outcomes of a review of premises licence is to revoke the licence where justified.

17.2 With regard to permits and registrations the Licensing Authority may seek to revoke these or cancel an annual renewal under certain circumstances. Generally this will be where the Licensing Authority thinks that they would have had to, or would be entitled to, refuse an application for a permit or registration if it were being made at that time.

17.3 However, no revocations or cancellations will take place unless the licensee or permit holders have been given the opportunity to make representations. The Licensing Authority will state reasons for why it is minded to revoke the authorisation and will provide an outline of the evidence on which it has reached that preliminary conclusion.

17.4 For FECs the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

## **18 Appeals**

18.1 In relation to premises licences, club gaming permits, club machine permits, and alcohol licensed premises gaming machines, any party to a Licensing Authority decision who is aggrieved by that decision may lodge an appeal to the magistrates court within 21 days of receiving notice of the authority's decision.

18.2 In relation to decisions on FEC gaming machine permits and travelling fairs, the applicant can lodge an appeal against the authority's decision with the magistrates court within 21 days of receiving notice of the authority's decision.

18.3 A person giving notice of a TUN or those entitled to receive a copy of a TUN may lodge an appeal within 14 days from receipt of decision to the magistrate's court.

## **19 Further information**

19.1 Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:

Licensing Manager  
Environment and Place  
Muriel Matters House  
Breeds Place  
Hastings  
East Sussex  
TN34 3UY

Tel: 01424 451042

Website: [www.hastings.gov.uk/environment\\_planning/licensing](http://www.hastings.gov.uk/environment_planning/licensing)

19.2 Information is also available from:

Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Fax: 0121 237 2236 [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

## Appendix A: Glossary of useful terms

Applications	Applications for licences and permits
Authorisations	As defined in paragraph 1.15 and 1.16.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A Licensing Officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:</p> <ul style="list-style-type: none"> <li>• Inspectors appointed under the Fire Precautions Act 1971; • Inspectors appointed under the Health and Safety at Work, etc. Act 1974</li> <li>• Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995;</li> <li>• A person in a class prescribed in regulations by the secretary of State.</li> </ul>
Automated Roulette Equipment	2 types: a) Linked to a live game of chance, e.g. Roulette b) Plays live automated game, i.e. operates without human intervention
Automatic Conditions	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
AWP machines	Amusement with Prizes Machines eg. certain fruit machines
BACTA	British Amusement Catering Trade Association
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Ring Betting Machines Bingo Casino	<p>An area that is used for temporary 'on course' betting facilities. A machine designed or adapted for use to bet on future real events (not a Gaming Machine) where a bet can be placed on the shop floor without the need to visit the counter. A game of equal chance. An arrangement whereby people are given an opportunity to participate in one or more casino games.</p>
Casino Games	Games of chance that are not equal chance gaming.

Casino Premises Licence Categories	a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements
Casino Resolution	Resolution not to issue Casino Premises
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D)
Code of Practice	Means any relevant code of practice under section 24 of the Gambling Act 2005
Complex Lottery	<p>An arrangement where:</p> <ul style="list-style-type: none"> <li>• Persons are required to pay to participate in the arrangement;</li> <li>• In the course of the arrangement, one or more prizes are allocated to one or more members of a class;</li> <li>• The prizes are allocated by a series of processes; and</li> <li>• The first of those processes relies wholly on chance.</li> </ul>
Council	Hastings Borough Council
Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for

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the purposes of playing bingo.

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Exempt Lotteries

Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:

- Small Society Lottery (required to register with Licensing Authorities.
- Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair
- Private Lotteries e.g. Raffle at a student hall of residence
- Customer Lotteries e.g. Supermarket holding a hamper raffle

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External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
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Fixed Odds Betting	General betting on tracks.
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Fixed Odds Betting Terminal	A category B2 gaming machine
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Game of chance	A game of chance can include an element of chance and an element of skill. This does not include a sport.
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Gaming	Playing a game of chance for a prize.
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Gaming Machine	Machine covering all types of gambling activity, including AWP machines and betting on virtual events
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Categories

Max. Stake	Max Prize
A Unlimited	
B1 £2	£4,000
B2 £100	£500
B3 £1	£500
B4 £1	£250
C 50p	£25
D 10p or 30p*	£5 or £8*

\*When non-monetary prize only

B2 machines are subject to change following Central government policy changes in 2018.

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Guidance	Guidance issued by the Gambling Commission dated May 2009.
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Human Rights Act 1998 Articles: 1, 6, 8 and 10	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions Article 6: - the right to a fair hearing Article 8: - the right of respect for private and family
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life  
Article 10: - the right to freedom of expression

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Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).
Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	Interested parties can make representations about licence applications, or apply for a review of an existing licence.

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A person who:

- Lives sufficiently close to the premises to be likely affected by the authorised activities
- Has business interests that might be affected by the authorised activities
- Represents persons in either of the above groups

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Irrelevant Representations	<ul style="list-style-type: none"> <li>• Where other legislation can cover the representation</li> <li>• Demand in premises licensing</li> </ul>
Large Lottery	Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.

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Licences	As defined in paragraph 1.16
Licensed Lottery	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.

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Licensing Authority	Hastings Borough Council
Licensing Committee	A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority.
Licensing Objectives	As defined in paragraph 1.10
Licensing Sub Committee	A sub committee of members appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act to determine applications.

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Live Gaming	Gambling on a live game as it happens.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

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Lottery Tickets	<p>Tickets that must:</p> <ul style="list-style-type: none"> <li>• Identify the promoting society</li> <li>• State the price of the ticket, which must be the same for all tickets</li> <li>• State the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and</li> <li>• State the date of the draw, or enable the date of the draw to be determined.</li> </ul>
Mandatory Conditions	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Members Club	<p>A club that must</p> <ul style="list-style-type: none"> <li>• have at least 25 members</li> <li>• be established and conducted 'wholly or mainly' for purposes other than gaming</li> <li>• be permanent in nature</li> <li>• not established to make commercial profit • controlled by its members equally.</li> </ul>
Notifications	Notifications of temporary and occasional use notices
Non Commercial Event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
Non Commercial Society / Small Society Lotteries	<p>A society established and conducted:</p> <ul style="list-style-type: none"> <li>• for charitable purposes</li> <li>• for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or</li> <li>• for any other non commercial purpose other than that of private gain</li> </ul>
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place

Operating Licences	Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track
Premises	Defined as ‘any place’. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres
Private Lotteries (For example, sweepstakes)	3 Types of Private Lotteries: <ul style="list-style-type: none"> <li>• Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society</li> <li>• Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises</li> <li>• Residents’ Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;</li> </ul>
Prize 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. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <ul style="list-style-type: none"> <li>• Expects to be constructed</li> <li>• Expects to be altered</li> <li>• Expects to acquire a right to occupy.</li> </ul>
Racino	Casino located at a racecourse.
Regulations	Regulations made under the Gambling Act 2005

Relevant Representations	Representations that relate to the Licensing Objectives, or that raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	<p>Responsible authorities can make representations about licence applications, or apply for a review of an existing licence.</p> <p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> <li>1. The Council's Licensing Authority whose area the premises must wholly or mainly be situated;</li> <li>2. The Gambling Commission;</li> <li>3. Hastings Police;</li> <li>4. East Sussex Fire and Rescue Service;</li> <li>5. Planning Authority, Hastings Borough Council;</li> <li>6. Environmental Health Services, Hastings Borough Council;</li> <li>7. Local Safeguarding Children's Board ;</li> <li>8. HM Customs and Excise.</li> </ol> <p>N.B. In accordance with the Gambling Commission's guidance for local authorities this authority designates the Local Safeguarding Children's Board for this purpose. The contact details for all responsible authorities under the Gambling Act 2005 will be available via the Council's website at <a href="http://www.hastings.gov.uk/licensing">www.hastings.gov.uk/licensing</a></p>
SIA	Security Industry Authority
Simple Lottery	<p>An arrangement where:</p> <ul style="list-style-type: none"> <li>• Persons are required to pay to participate in the arrangement</li> <li>• In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and</li> <li>• The prizes are allocated by a process which relies wholly on chance.</li> </ul> <p>For example, a raffle.</p>
Skills with Prizes	<p>A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance, e.g. trivia game machine, Formula 1 simulators, shooting game. Skills Machines are unregulated.</p>

Small Lottery	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Small Operations	Independent on course betting operators with only one or two employees or a bookmaker running just one shop.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Statement of Principles	Matters taken into account when considering an applicant's suitability for applications for FEC Permits.
Temporary Use Notice	To 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.
Totalisator or Tote	Pool betting on tracks.
Touch Bet Roulette	Where a player gambles on a live game of chance without actually being seated.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.
Vessel and Relevant Licensing Authority	The Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.

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Vulnerable Persons	Include people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs. For example, this may include those persons who are under the influence of alcohol and/or are drunk.
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Young Person	An individual who is not a child but who is less than 18 years old.
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**Appendix B: List of consultees**

Local Authorities are required by law to consult on their policies. Broadly, consultation included the following groups:

- The Chief Officer of Police
- East Sussex Safeguarding Children Board
- Hastings Borough Council Ward Councillors
- Trade associations and businesses who will be holding premises licences
- Responsible Authorities
- Community and faith organisations and those working with problem gamblers and young people;
- Salvation Army
- Citizen Advice Centre

The summary of comments made on the gambling policy and their consideration by Hastings Licensing Authority is available on request by contacting Hastings Licensing Department.

## Appendix C: Delegations of licensing functions

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Gambling decisions and functions may be taken or carried out by the Full Council of Hastings Borough Council or delegated to the licensing sub-committee or in appropriate cases to the officers of the Council. As many of the decisions will be purely administrative in nature, the principle of delegation to officers is adopted in the interests of speed, efficiency, and cost effectiveness. The terms of delegation of function are set out below.

Full Council will deal with the following matters:

- Three year licensing policy
- Policy not to permit casinos

Sub Committee will deal with the following matters:

- Review of premises licence
- Cancellation of club gaming/club machine permits
- Decision to give a counter notice to a temporary use notice.

Sub Committee will deal with the following matters if a representation is made:

- Application for a premises licence
- Application for a variation to a licence
- Application for a transfer of a licence
- Application for provisional statement
- Application for club gaming/club machine permits

Executive Director or his/her nominee will deal with the following matters:

- Fee setting (when appropriate)
- Applications for other permits
- Cancellation of licensed premises gaming machine permits
- Consideration of temporary use notice

Executive Director or his/her nominee will deal with the following matters if no representation is made:

- Application for premises licence
- Application for a variation to a licence
- Application for a transfer of a licence
- Application for provisional statement
- Application for club gaming/club machine permits.

## Appendix D: Table of exemptions

Exemptions from	Types of gambling and permissions
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>