



## **Gambling Act 2005 Statement of Principles**

# **Hastings Borough Council**

## **Gambling Policy**

**24 May 2023 to 30 January 2026**

### **Document History**

Revision	Date	Comment
Full review.	19.12.12.	Published 3.01.2013. effective 31.01.2013.
Full review	01.09.2016	Published on 3.01.2016, effective 31.01.2016
Full review	01.10.2018	Published on 03.01.2019, effective 31.01.2019
Full review	01.10.2022	In draft 21.10.2022
Full review	01.10.2026	TBC

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## Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005, the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31 January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission.

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives, which are:

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

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The Council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the Council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council in conjunction with the Gambling Commission. The policy describes the Council's enforcement principles and the principles underpinning the right of review.

The policy has six appendices, describing the stakes and prizes which determine the category of a gaming machine, permits, premises licensing, responsible authorities, list detailing who this authority has consulted, summary of gaming machines by premises, and a summary of licensing authority delegations under the Gambling Act 2005

# 1 The Licensing Objectives

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

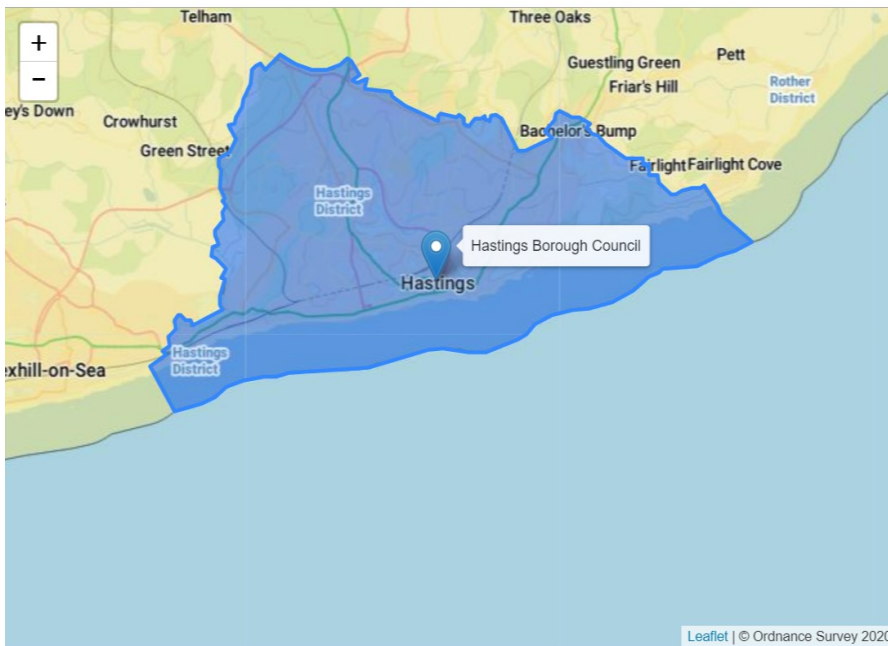
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Hastings Borough Council as the Licensing authority for the Hastings and St Leonards will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

Principles to be applied - Section 153

- (1) In exercising its functions, a licensing authority will only permit the use of premises for gambling:
  - a) in accordance with any relevant code of practice under section 24;
  - b) in accordance with any relevant guidance issued by the Commission under section 25;
  - c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b));
  - d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- (2) In determining whether to grant a Premises licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.
- (3) Any objection to an application for a Premises licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective of prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.

## 2 Introduction



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

The population is approximately 95,000 but the number increases significantly in the summer months with an influx of tourists, day trippers and foreign students.

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy statement setting out the principles that they propose to apply when exercising their functions. This statement may be reviewed from time to time but must be republished at least every three years.

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

In determining its policy the Licensing Authority must have regard to Gambling Commission guidance and give appropriate weight to the views of those who respond to its consultation.

The Authority will consult widely on the Gambling Policy statement before being finalised and published.

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

- the chief officer of police for the authority's area.
- one or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area.
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The persons consulted when preparing this Policy statement was deliberately wide. A list of those persons consulted is attached at Appendix 4.

The consultation for the policy took place between 21/10/2022 and 02/12/2022

The Authority has followed the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The full list of comments made and the consideration by the Authority of those will be available upon request to: The Licensing Team via email or by telephone 01424 451042.

The policy is published on [Hastings Borough Council's website](#).

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

### **3 Declaration**

In producing the final licensing policy statement, this Licensing Authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as part of the council's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, the Guidance, or regulations issued under the Act.

### **4 Casinos**

No Casinos resolution. This Licensing Authority previously passed a 'No Casino' Resolution under Section 166 of the Gambling Act 2005 on 20 December 2018, review of this policy continues to support the section 166 'No Casino' resolution, with a recommendation to pass at Cabinet and adopt Full Council following consultation which ended on 2 December 2022.

A No Casino Resolution was passed by Full Council on the **Insert Date** and takes effect from **Insert Date**.

### **5 Functions**

The following functions are dealt with by the Licensing Authority

- 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) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section 8 on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions
- The following functions are dealt with by the Gambling Commission –
- Issue and renewal of Operating Licences
- Review Operating Licences
- Issue Personal Licences
- Issue Codes of Practice
- Issue Guidance to Licensing Authorities
- Licence remote gambling through Operating Licences
- Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines

The following functions are dealt with by the Gambling Appeals Tribunal

- Deal with appeals against Commission decision

The Licensing authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

## **6 Operators**

Gambling businesses are required to obtain an Operating licence issued by the Gambling Commission before they can operate in Great Britain. An Operating licence permits a gambling operator to provide gambling facilities, but if the operator wishes to provide non-remote gambling facilities (betting, arcades, bingo or casinos) at a premises in a local authority area, they must obtain a premises licence for each premises at which those facilities will be provided.



Operators are required to comply with conditions attached to both their Operating and premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

## **7 Risk Assessments**

Gambling operators have been required to undertake a risk assessment for all their existing premises from 6 April 2016. In undertaking their risk assessments, they must take into account relevant matters identified in the Licensing authority's Statement of Policy.

The Licensing authority expects applicants for Premises licences in its area to submit a risk assessment with their application when applying for a new or variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.

The risk assessment should demonstrate the applicant has considered, as a minimum:

- a) local crime statistics;
- b) any problems in the area relating to gambling establishments such as anti- social behaviour or criminal damage;
- c) the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- d) whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- e) the type of gambling product or facility offered;
- f) the layout of the premises;
- g) the external presentation of the premises;
- h) the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- i) the customer profile of the premises;
- j) staffing levels;
- k) staff training, knowledge and experience;
- l) whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

The licensing authority expects a copy of the risk assessment to be held at each premises so that it can be inspected by officials and staff alike.

## **8 Responsible Authorities**

In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area and

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Gambling Commission's Guidance for local authorities this authority designates the following for this purpose:

Children's and Families – East Sussex Safeguarding Children Partnership

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3.

## **9 Interested parties**

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

Section 158 of the Gambling Act 2005 says a person is an interested party if he/she;

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities or;
- c) represents persons who satisfy paragraph (a) or (b).

An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the following (Gambling Commission's Guidance to local authorities (paragraphs 6.33 and 6.34))

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

Gambling Commission's Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.34). All objections must be based on the licensing objectives.

The Gambling Commission has recommended that the licensing authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations (paragraph 8.16). However, this Authority will not generally view these bodies as interested parties unless they have a member who can be classed as such under the terms of the Gambling Act 2005. (i.e. lives sufficiently close to the premises and is likely to be affected by the application.)

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties. Apart from these exceptions this Authority will require written evidence that a person/body/advocate/relative) represents someone likely to be

affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter of authorisation from one of these persons, requesting the representative to speak on their behalf will be sufficient.

Councillors who are on the Licensing Committee dealing with the licence application will not be able to make representations. If there are any doubts, please contact The Licensing Team email [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk) or by telephone 01424 451042

## **10 Exchange of Information**

Licensing Authorities are required to include in their Gambling Policy Statement the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information and the provision that the Data Protection Act 1998 (DPA) or the General Data Protection Regulations (GDPR) will not be contravened. The Licensing authority will have regard to any Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

We recognise the need to share information with other agencies about our inspections and compliance activities. The Licensing Authority has various policies relating to General Data Protection Regulations (GDPR), which will be considered when deciding what information to share and the process for doing so. 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 for the purpose of the preventions and detection of crime and for public protection.

Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or a Subject Access Request.

## **11 Enforcement**

This Licensing authority will act in accordance with the relevant legislation and guidance from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Code.

The purpose of this Licensing authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is possible.

This Licensing Authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

Licensing Authorities are required by regulation under the Gambling Act 2005, to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority's principles are that:

It will adopt the guidance for local authorities, and it will endeavour to be:

a) Proportionate:

regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised.

b) Accountable:

regulators must be able to justify decisions and be subject to public scrutiny.

c) Consistent:

rules and standards must be joined up and implemented fairly.

d) Transparent:

regulators should be open, and keep regulations simple and user friendly; and

e) Targeted:

regulation should be focused on the problem and minimise side effects.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district.

The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act or working with colleagues from other council departments or outside agencies.

The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises licence. To achieve this, the Licensing Authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high-risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises.

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. 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.

The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Concerns relating to manufacture, supply or repair of gaming machines, or concerns relating to on-line or remote gambling is part of the Commissions role.

## **12 Decision making**

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 6**.

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.

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.

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

Where a Councilor 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.

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.

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.

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.

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.

### **13 Gambling Prevalence and Problem Gambling**

Participation in gambling and rates of problem gambling statistics are updated regularly and published on the Gambling Commission website.

Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling because of borrowings and loans to cover gambling losses. However, the effects of problem gambling can involve more than money.

Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities.

There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes.

Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

There are around 280,000 problem gamblers in England alone, according to a 2018 study by NHS Digital, although a YouGov survey earlier this year found there could be 1.4 million across the UK. (29 Oct 2020).

When respondents who had only taken part in National Lottery draws were excluded, the overall participation rate was down from 32% in 2019 to 28% in 2020. In other activities, there were decreases in participation in in-person football pools, bingo, betting on horse races, betting on other events and casino games. (25 Feb 2021).

## **Appendix 1**

Factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

### **Permits**

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

Where a premises does not hold a premises licence but wishes to provide gaming machines it may apply to the licensing authority for this permit.

The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

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.

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. It should be noted that a licensing authority cannot attach conditions to this type of permit. (paragraph 18(4)).

For initial applications, the licensing authority need not (but may) have regard to the licensing objectives but shall need to have regard to any Gambling Commission guidance.

The Gambling Commission's Guidance for local authorities states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities may want to give weight to child protection issues. See (iii) Prize Gaming Permits below for bullet points and examples of what the applicant should be able to demonstrate.

The Gambling Commission's Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

Statement of Principles: This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

An UFEC Permit is only granted where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine.

This statement of principles applies to initial applications only and not to renewals.

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.

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.

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

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

With regard to renewals of these permits, a 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 pursuit of the licensing objectives.

## **(2) (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C and/or D. The premises



merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e., that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy this authority that there will be no access may include the adult machines being in sight of the bar or in the sight of staff that will monitor that the machines are not being used by those under 18 years old. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

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

### **(3) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, the Licensing Authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. These will also apply to UFEC permits.

- What staff should do if they suspect that truant children are on the premises.
- How staff should deal with unsupervised young children on the premises.

- How staff should deal with children causing perceived problems on or around the premises.
- Safeguarding awareness training; and
- An enhanced criminal record check for staff or equivalent criminal records checks for the applicant and also the person who has the day to day control of the premises;
- The applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.
- In making its decision on an application for this permit the licensing authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission guidance.
- It should be noted that there are conditions in the Gambling Act 2005 that the permit holder must comply with but that the licensing authority cannot attach conditions. The conditions in the Act are:
  - the limits on participation fees, as set out in regulations, must be complied with.
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played.
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize) or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

#### **(4) Club Gaming and Club Machines Permits**

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

The Gambling Commission's Guidance for local authorities states: "Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, they must be permanent in nature, not established to make a commercial profit and must be controlled by their members equally unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A Members' Club must be permanent in nature and established and conducted for the benefit of its members and not a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.5)

The Licensing Authority is aware that it may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

- b) the applicant's premises are used wholly or mainly by children and/or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Gambling Commission or the police.

The Licensing authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48-hour rule being applied for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution, and can it provide evidence that the constitution was approved by members of the club?
- Is there a list of Committee members and evidence of their election by the club members?
- When examining the club's constitution, the Licensing authority would expect to see evidence of the following:
  - Who makes commercial decisions on behalf of the club?
  - Are the aims of the club set out in the constitution?
  - Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club).
  - Is the club permanently established? (Clubs cannot be temporary).
  - Can people join with a temporary membership? What is the usual duration of membership?
  - Are there long-term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;

- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits.

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

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

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **Appendix 2**

### **1. Premises licences**

#### **(1) Decision making - general:**

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

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

- in accordance with any relevant code of practice issued by the Gambling Commission.
- in accordance with any relevant guidance issued by the Gambling Commission.
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

Any conditions attached to licences by the Licensing authority will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility.
- directly related to the premises and the type of licence applied for.
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

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

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- only adults are admitted to the area where these machines are located.
- access to the area where the machines are located is supervised.
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons less than 18 years of age.

These conditions will apply to premises including buildings where multiple premises licences are applicable. This does not apply to AGC or betting premises.

The Licensing Authority is aware that tracks may be subject to one or more than one premises licence provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

There are also conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition.
- conditions relating to gaming machine categories, numbers, or method of operation.
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes.

## **(2) "Premises":**

Premises is defined in the Act 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 and as the Guidance for local authorities’ states, it “will always be a question of fact in the circumstances”. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will have regard to the Gambling Commission’s guidance on the division of premises and access between premises.

This Licensing Authority takes particular note of the Guidance for local authorities which states that in considering applications for multiple licences for a building (split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that they are not permitted to be in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and
- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be 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.

In determining applications, the Licensing Authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling.

Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of this guidance gives more information about provisional statements.

As the Court has held in a 2008 case, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a Licensing Authority will need to 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.

### **(3) Location:**

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

### **(4) Planning:**

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

### **(5) Duplication:**

As stated in section nine on Enforcement, as per the Gambling Commission's Guidance for local authorities this Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

### **(6) Door Supervisors:**

The Gambling Commission's Guidance advises local authorities that Licensing Authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

This Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises is licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

### **(7) Split Premises**

The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and 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 reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

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

In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

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

The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.



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

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

The Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing Authorities may consider that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”

It is the Licensing Authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
- entrances and exits from parts of a building covered by one or more Premises licences are separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the Premises licence.

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

## **(8) Access to Premises**

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between

premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

'Direct access' is not defined, but the Licensing Authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

#### Types of Premises and their access provisions

##### Casino

- The principal access to the premises must be from a 'street';
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.

##### Adult Gaming Centre

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

##### Betting Shop

- Access must be from a 'street' or from other premises with a betting licence;
- No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.

##### Track

- No customer must be able to access the premises directly from a casino or Adult Gaming Centre

##### Bingo Premises

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

##### Family Entertainment Centre

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

#### **(9) Licensing objectives:**

This Licensing Authority has considered the Gambling Commission's Guidance to local authorities in respect of the licensing objectives.

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.

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

Ensuring that gambling is conducted in a fair and open way:

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

#### **(10) Reviews:**

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant code of practice issued by the Gambling Commission;
- it is in accordance with any relevant guidance issued by the Gambling Commission;
- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.
- Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

#### **(11) Provisional Statements:**

This Licensing Authority notes the Gambling Commission's Guidance for the Gambling Commission which states that:

- "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence." and that
- "Requiring the building to be complete ensures that the authority can inspect it fully".

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) which could not have been raised by objectors at the provisional licence stage; or
- b) which is in the authority's opinion reflect a change in the operator's circumstances.

## **(12) Adult Gaming Centres (AGC):**

This licensing authority particularly notes the Gambling Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing Authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering premises licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

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

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

## **(13) (Licensed) Family Entertainment Centres (FECs):**

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

This Licensing Authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Since gaming machines provide opportunities for solitary play and for immediate pay outs, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises licences, will

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

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

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

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

#### **(14) Tracks:**

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We shall have regard to this Guidance in the discharge of our functions.

#### **(15) Casinos:**

This licensing authority will have regard to the Gambling Commission's guidance.

#### **(16) Bingo:**

This Licensing Authority will have regard to the Gambling Commission's guidance.

The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo is regularly played in any premises for which a Premises licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

#### **(17) Temporary Use Notices:**

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

### **(18) Occasional Use Notices:**

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

### **(19) Small Society Lotteries:**

The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event as either an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- By, or on behalf of, a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact us via email [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk) to seek further clarification.

### **(20) Travelling Fairs:**

It will fall to this Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

### **(21) Betting Premises**

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.

In determining applications for betting premises, the licensing authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.

Section 181 of the Gambling Act 2005 permits the Licensing authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a premises licence for a betting office. When considering whether to do so, the Licensing Authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The Licensing Authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing Authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

**Help with gambling related problems:  
National Gambling Helpline**

Call 0808 8020 133

24 hours a day, 7 days a week, or visit [gamcare.org.uk](http://gamcare.org.uk)

**Appendix 3  
Responsible Authorities:**

Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:

Licensing Team  
Hastings Borough Council  
Muriel Matters House  
Breeds Place  
TN34 4UY

Tel: 0124 451042

[Licensing@hastings.gov.uk](mailto:Licensing@hastings.gov.uk)

[Hastings Borough Council website](http://Hastings Borough Council website)

**Information can also be obtained from:**

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Tel: 0121 230 6666  
[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Local Planning Authority  
Hastings Borough Council  
Muriel Matters House  
Breeds Place  
TN34 4UY

Environmental Health and Licensing Team  
Hastings Borough Council  
Muriel Matters House  
Breeds Place



TN34 4UY  
Tel: 01424 451079

[Sussex Police](#)

[East Sussex Fire and Rescue](#)

[HM Revenue & Customs Excise](#)

Processing Teams  
Gambling Duties  
BX9 1GL  
Tel: 0300 200 3701

East Sussex Safeguarding Children Partnership

[Partnership Website](#)

## **Appendix 4**

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

### **List detailing who this authority consulted with:**

- Hastings Borough Council website
- Borough Councillors
- Bodies designated under section 157 of the Act as 'Responsible Authorities'
- Town Centre Forums, Partnerships and Managers
- Licensees/their agents of gambling premises
- Neighbouring Authorities

### **List of consultees**

- Hastings Borough Council website
- Borough Councillors
- Hospitality organisations
- Neighbouring Authorities
- Bodies designated under section 157 of the Act as 'Responsible Authorities'
- Town Centre Forums, Partnerships and Managers
- Person/ bodies representative of local residents
- Person/ bodies representative of gambling businesses
- Representatives of persons or business who hold premises licences
- Organisations working with people who are problem gamblers
- Representatives of health care organisations
- Representatives of voluntary and community organisations working with children and young people

This list is not definitive. Resident's associations will be sent copies on request.

## **Appendix 5**

**Please follow the link below for the table of Machine provisions by premises**

[Summary of machine provisions by premises](#)

## Appendix 6

### Delegations of licensing functions

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

Officers under delegation 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

Officers under delegation 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.