



## STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

[DD/MM/YYYY]

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# PART A – GENERAL PRINCIPLES

## Interpretation

Throughout this statement –

“**The Act**” means the Gambling Act 2005.

“**The Council**” and “The Licensing Authority” both mean Havant Borough Council, and refer to a licensing authority within the meaning of section 2 of the Act.

“**Authorised Officer**” means an officer authorised by Havant Borough Council for the purposes of the Gambling Act 2005.

“**Borough**” means Havant Borough Council’s administrative area.

“**Statement**” means the Statement of Principles that the Licensing Authority is required to prepare under section 349 of the Act.

## Licensing Objectives

- 2.1. When dealing with licensing matters, the Licensing Authority must have regard to the three licensing objectives set out in the Gambling Act 2005. These 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; and
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
  
- 2.2. For the purposes of interpreting these objectives:
  - the term “disorder” is interpreted as meaning an activity that is more serious and disruptive than mere nuisance;
  - reference to “vulnerable persons” includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol and/or drugs; and
  - the phrase “harmed or exploited by gambling” can mean preventing children and vulnerable people from taking part in or being in close proximity to gambling and controlling advertising so that gambling products are not aimed at vulnerable people or advertised in such a way that makes them particularly attractive to such people.
  
- 2.3. Public Health England published its review into gambling-related harms in 2021, identifying the following types of harms associated with gambling: financial; relationship disruption, conflict or breakdown; mental and physical health; cultural; reduced performance at work or in education; and criminal activity. It is estimated that 0.5% of the population have a problem with gambling. Additionally, 3.8% are gambling at at-risk levels, and 7% of adults are affected negatively by another person’s gambling.
  
- 2.4. The Licensing Authority expects licence holders to have suitable safeguarding policies in respect of children and vulnerable persons, and to provide training to staff members in recognising and dealing with safeguarding issues. It is also expected that premises display information on mental health, alcohol, drugs and gambling services where it is accessible to customers and staff.
  
- 2.5. The Licensing Authority shall aim to permit the use of the premises for gambling as set out in section 153 of the Act.
  
- 2.6. The Act places a legal duty on both the Commission and the Licensing Authority to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and the Licensing Authority must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

## Introduction

### Duration of Statement

- 3.1. This statement of principles is the Licensing Authority's published policy for the purposes of the Act. This revision was approved at a meeting of Full Council on [date] and will remain in force until [date].
- 3.2. This policy will be applied in the exercise of the Licensing Authority's functions under the Act during that period.
- 3.3. The policy may be reviewed from time to time and, in the light of any such review, it may be revised. Any such revision will be subject to consultation and publication before it takes effect.
- 3.4. Before a Statement or any revision comes into effect, the Licensing Authority shall publish notice of its intention to publish a statement or revision, as per the relevant Regulations. This will include details of how to make representation.
- 3.5. Should you have any comments about this policy statement, please send them via email or letter to the following contact:  
  
Name: Licensing Team  
Address: Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant, Hampshire PO9 2AX.  
Email: [licensing@havant.gov.uk](mailto:licensing@havant.gov.uk)
- 3.6. It should be noted that 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.

### Content of Statement

- 3.7. A summary of information contained within this statement is attached as an index at the front of this document.
- 3.8. The licensable activities covered by this statement are:  
  
Premises Licences
  - adult gaming centres
  - licensed family entertainment centres;
  - casinos;
  - bingo;
  - betting premises;
  - tracks;
  - travelling fairs;
  - provisional statements

#### Permits and Temporary / Occasional Use Notices

- unlicensed family entertainment centres;
- gaming machines on alcohol licensed premises;
- prize gaming;
- club gaming and club machine permits;
- small society lotteries;
- temporary use notices;
- occasional use notices;
- small society lottery registrations.

- 3.9. The contents of this document are not a full or authoritative statement of the law or statutory guidance and do not constitute professional or legal advice.
- 3.10. This statement is published on the Licensing Authority's website and is available at the offices of the Licensing Authority during normal working hours.
- 3.11. The website address is - <http://www.havant.gov.uk/current-consultations>

#### **Geographical application of Statement**

- 3.12. The Borough of Havant provides a unique setting in urban South Hampshire between the South Downs and the Solent and has five main centres, Havant & Langstone, Waterlooville, Leigh Park, Emsworth and Hayling Island.
- 3.13. The Borough provides a range of attractions and activities for both residents and visitors to suit all tastes. Havant is a market town which has retained its character and charm and Langstone boasts a beautiful harbour frontage. Waterlooville is the modern business centre of the Havant Borough. Emsworth is a delightful and picturesque fishing village and Hayling Island is a popular seaside resort but with quiet harbour side shores.
- 3.14. However, Havant is also the most deprived district in Hampshire, according to the English indices of deprivation in 2019. A review of the evidence of gambling related harms, published by Public Health England in 2021, found that people at risk of gambling harms are concentrated in areas of higher deprivation. The Licensing Authority has considered these risks in producing this Statement and outlining its expectations of operators and applicants for premises licences.
- 3.15. Tourism is a major part of the local economy and every year the area attracts approximately 1.89 million day visitors and over 300,000 staying visitors. Many people come on a regular basis to enjoy the Borough of Havant where the countryside meets the seashore.
- 3.16. The current population for the Borough of Havant is approximately 124,200 (2021 Census). The Borough provides a range of attractions and activities for both residents and visitors to suit all tastes. It has a number of premises conducting gambling activities as follows:

- 1 Bingo Hall
- 2 Family Entertainment Centres
- 3 Adult Gaming Centres
- 4 Holiday Resorts with Bingo Premises Licences
- 5 Family Entertainment Centre Machine Permits
- 6 Club Machine Permits
- 10 Betting Offices
- 21 Licensed Premises Gaming Machine Permits
- 48 Licensed Premises Automatic Gaming Machine Notifications

There are currently no Casinos, Tracks or Club Gaming Permits within the Borough.

3.17. A map showing the extent of the Borough is produced at Appendix B.

### **Consultation Process**

3.18. Before publishing this policy statement, the Licensing Authority has consulted with and taken into account comments from the following persons/bodies:

- The Chief Officer of Police for Hampshire
- One or more persons who appeared to the Council to represent the interests of persons carrying on gambling businesses, namely:
  - Association of British Bookmakers
  - Bingo Association
  - British Amusement Catering and Trades Association
  - British Beer and Pub Association
  - British Holiday and Home Parks Association
  - British Institute of Innkeeping
  - Current holders and of licences and permits in the Borough
  - Regeneration and Economy
- One or more persons who appeared to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act, namely:
  - Citizens Advice Bureau
  - Environmental Health (Pollution and Food Safety)
  - GamCare
  - Gambling Commission
  - Gordon Moody Association
  - Hampshire and IOW Fire and Rescue Service
  - Hampshire County Council Adult & Childrens Services
  - National Centre for Gaming Disorders
  - National Problem Gambling Clinic
  - Neighbourhood Quality / Community Safety
  - Planning Authority
  - Trading Standards
  - Ward Councillors

- 3.19. Any written consultation undertaken by the Licensing Authority in relation to this Statement shall follow best practice as set out by the Gambling Commission and any other relevant Government guidance.
- 3.20. A full list of comments made is available by request to: Licensing Team, Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant, Hampshire, PO9 2AX.

### **Declaration**

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

### **Fundamental principles**

- 3.22. In carrying out its functions the Licensing Authority will regulate gambling premises in the public interest.
- 3.23. Any application received will be considered on its merits and in accordance with the requirements of the Act.
- 3.24. The Licensing Authority will seek to avoid any duplication with other regulatory regimes so far as possible.
- 3.25. The Licensing Authority recognises that there is a clear separation between the Gambling Act, the Licensing Act 2003 and planning legislation and that gambling licence applications will be viewed independently of applications under the Licensing Act 2003 and planning.
- 3.26. The Licensing Authority will, in particular when considering its functions in relation to applications and enforcement, have regard to the Human Rights Act 1998.



## Responsible Authorities

### General

- 4.1. The Act specifies various bodies as Responsible Authorities, as follows:
  - The Licensing Authority
  - Gambling Commission
  - The Chief Officer of Police
  - Fire and Rescue Authority
  - Environmental Health
  - Child Protection
  - HMRC
  - Any other person prescribed by regulations by the Secretary of State
- 4.2. The contact details of all the Responsible Authorities in the area of the Licensing Authority can be found on the Council's website at <http://www.havant.gov.uk/licensing>
- 4.3. The Act provides that where the premises is a vessel, Responsible Authorities also include navigation authorities that have statutory functions in relation to the water whether the vessel is usually moored or berthed, or any waters where it is proposed to be navigated at a time when use for licensable activities. This would include:
  - The Environment Agency
  - The British Waterways Board
  - The Secretary of State (In practice, this would be the Secretary of State for Transport who acts through the Maritime and Coastguard Agency)
- 4.4. The Responsible Authorities must be notified of applications in relation to Premises Licences and are entitled to make representations in relation to them.
- 4.5. There is no obligation on Responsible Authorities to respond to applications for premises licences. Lack of a response from a Responsible Authority would not prevent an application being granted.

### Responsible Authority - Protection of Children from Harm

- 4.6. In exercising the Licensing Authority's powers under section 157(h) of the Act to designate, in writing, a body competent to advise the Licensing Authority about protection of children from harm the following principles are applied:
  - 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; and
  - whether the body has experience in relation to protection of children issues.

- 4.7. The Licensing Authority designates Havant Children Services for the purpose of providing advice about protection of children from harm.

## Interested parties

### General

- 5.1. Section 158 of the Act identifies various categories of person who may be Interested Parties in relation to an application for or in respect of a Premises Licence, namely a person who in the opinion of the Licensing Authority:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - has business interests that might be affected by the authorised activities; or
  - represents persons who satisfy either of the two sub-paragraphs above.
- 5.2. Interested parties can make representations about licence applications or apply for a review of an existing licence.

### Principles relating to determination

- 5.3. The Licensing Authority will apply various principles to determine whether a person is an Interested Party.
- 5.4. The Licensing Authority will consider each situation on its merits.
- 5.5. In determining whether a person lives “sufficiently close to the premises”, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:
- the size of the premises
  - the nature of the premises
  - the distance of the premises from the location of the person making the representation
  - what might, in the opinion of the Licensing Authority, be reasonably regarded as a potential impact of the premises (this might for example be influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc)
  - the nature of the complainant. This is not meant to cover the personal characteristics of the complainant, but the interest of the complainant where they may be relevant to the distance from the premises. For example, the Licensing Authority is likely to apply a wider interpretation to the meaning of ‘sufficiently close’ where the complainant provides services attended by children or vulnerable adults; and such other factors as it considers are relevant.
- 5.6. In determining whether a business interest is “likely to be affected”, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:
- the size of the premises
  - the ‘catchment’ area of the premises (i.e. how far people travel to visit);

- the nature of the business that it is suggested might be affected
- such other factors as it considers are relevant.

5.7. In determining whether a person is regarded as representing a person in either of the other two Interested Party categories, the Licensing Authority in particular considers that the following may fall within this category:

- Members of Parliament or Elected Councillors;
- Residents' and tenants' associations; and
- Trade unions and trade associations

5.8. The Licensing Authority will not necessarily consider a person as representing one of the other categories of Interested Party unless the person can demonstrate:

- that they have specifically been requested in writing to represent that person and/or business in relation to the submission of the representation; and/or
- that, in the case of a body, it represents a significant number of persons that have made submission with regard to the representation.

Interested parties may also be represented by other persons such as Councillors, MPs etc. Care should be taken when approaching Councillors that they are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.

## Representations

- 6.1. A representation made by a Responsible Authority or Interested Party, which is not withdrawn, will normally result in a hearing taking place.
- 6.2. In certain circumstances however, a hearing need not take place. For example, where the Licensing Authority consider that the representation:
  - is vexatious;
  - is frivolous; or
  - will certainly not influence the authority's determination of the application.
- 6.3. In determining whether a representation is frivolous or vexatious, the Licensing Authority shall seek legal advice and consider the following:
  - Who is making the representation, and whether there is a history of making representations that are not relevant
  - Whether it raises a relevant issue
  - Whether it raises issues specifically to do with the premises that are the subject of the application.

## Disclosure / Exchange of Information

### General

- 7.1. The Act, and other legislation such as the UK General Data Protection Regulations, Data Protection Act 2018 and the Freedom of Information Act 2000, places various statutory duties and responsibilities upon the Licensing Authority in relation to the exchange and disclosure of information that is available to it.

### Principles

- 7.2. The Licensing Authority will comply with all statutory duties imposed upon it, which require it to disclose information, subject always to any legislative restrictions that impact upon any such requirement.
- 7.3. Where the Licensing Authority has discretion as to whether or not information may be disclosed/exchanged it will in particular normally have regard to the following principles:
- any request that is received for the disclosure of information will be considered on its merits having regard to any general statutory principles that might apply;
  - upon receipt of a request for any exchange or disclosure, information will not normally be withheld where it is considered by the Licensing Authority that this may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors which the Licensing Authority considers as being of relevance to it; and
  - the Licensing Authority may also provide information available to it, whether a request has been received or not, if it considers it may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors as identified above.
- 7.4. Where representations are received in relation to any function being exercised by the Licensing Authority under the Act, those representations will normally be disclosed to an extent that the Licensing Authority considers reasonable in the circumstances. In particular, in making this assessment, the Licensing Authority will have regard to the interests of natural justice and Article 6 of the Convention on Human Rights. Information will not be disclosed where statute expressly prevents its disclosure.
- 7.5. In so far as the law allows, the Licensing Authority generally favours full disclosure of all relevant representations made in relation to an application that it is considering under the Act.
- 7.6. The Licensing Authority in carrying out its duties will have full regard to the provisions of the UK General Data Protection Regulations, Data Protection Act 2018 and the Freedom of Information Act 2000.
- 7.7. Where the law allows, a data subject for the purposes of the above legislation may require and be entitled to information that is held by the Licensing Authority. Some of this information may be accessible via the

Licensing Authority's website and registers that the Licensing Authority is obliged to keep under the Act. Where this is not the case, then a request for such data should be made in writing addressed to the Licensing Services Section of the Licensing Authority.

### **Sharing information with the Gambling Commission**

- 7.8. Section 29 of the Act entitles the Gambling Commission to seek information from the Licensing Authority, and places an obligation on the Licensing Authority to comply with its information requests, providing the information is:
- Part of the register maintained by the Licensing Authority
  - In the Licensing Authority's possession in connection with a provision of the Act.
- 7.9. The Act requires the Licensing Authority to maintain data on premises licences. As part of the application process for a premises licence, applicants will forward notice of the application to the Commission, and the Licensing Authority should subsequently notify the Commission of the outcome of each application, whether it is granted or refused. The Act also requires the Licensing Authority to notify the Commission of other matters such as when a licence has lapsed or been surrendered, and the cancellation of certain permits and registrations.
- 7.10. If, while considering a premises licence application, or at any other time, the Licensing Authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Gambling Commission without delay.
- 7.11. The Gambling Commission is required under section 106 of the Act to maintain a register of operating licence holders and make this publicly available. Where the Licensing Authority needs to check if an applicant for a premises licence holds an operating licence, verification can be found on the register. The Commission will ask the Licensing Authority to periodically review the premises register to ensure that it is up to date. This is important to ensure accuracy as the register is used for conducting national compliance work.
- 7.12. The Licensing Authority is required to submit returns to the Gambling Commission on an annual basis, providing information on licensed gambling activity and details of compliance and regulatory work undertaken. This includes details of permits and notices issued, premises inspections conducted, and reasons for and outcome of licence reviews.

### **Local Authority Compliance Events (LACE)**

- 7.13. The Gambling Commission may notify the Licensing Authority of complaints and intelligence received regarding non-compliance in its area. These are referred to as Local Authority Compliance Events (LACE). Following the referral, the Licensing Authority is required to advise the Commission of what, if any, action is taken.

## Enforcement

### General

- 8.1. The Act provides various bodies including the Licensing Authority with power to authorise persons to undertake inspections for a variety of purposes. Furthermore, the Licensing Authority has the capacity to instigate criminal proceedings for various offences that are specified within the Act.
- 8.2. The Gambling Commission will be the enforcement body for the operator and personal licences it issues and also the manufacture, supply or repair of gaming machines.

### Principles

- 8.3. In considering whether to undertake an inspection of a premises, the Licensing Authority will in particular have regard to the following principles:
  - when considering whether to undertake any inspection each situation will be considered on its merits;
  - that the Licensing Authority will not usually undertake an inspection unless it is considered relevant for the purposes of an application or actual or potential enforcement issue;
  - in the case of enforcement action generally, we will act having given due consideration to any enforcement policy adopted by Havant Borough Council (as may be amended from time to time) and the Regulatory Compliance Code that is current at that time (if any); and
  - that it will exercise its responsibilities in relation to inspections having regard to the further principles set out below.
- 8.4. In considering whether to exercise its powers in relation to the institution of criminal proceedings in the Act, the Licensing Authority will in particular normally have regard to the following principles:
  - each case will be considered on merits;
  - in so far as it may be relevant to the assessment, whether the Licensing Authority has acted in accordance with any enforcement policy of Havant Borough Council and the Regulatory Compliance Code referred to above;
  - whether the instigation of criminal proceedings accords with the Code for Crown Prosecutors current at that time (if any); and
  - in so far as it may be relevant to the assessment, that it will undertake proceedings in accordance with the principles set out below.
- 8.5. The principles referred to in the paragraphs are that the Licensing Authority will, in so far as it is appropriate, be:
  - proportionate:- intervention only when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised.
  - accountable:- decisions must be justified, and 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:- focused on the problem, and minimise side effects.

## **Risk**

8.6. In carrying out its enforcement responsibilities, the Licensing Authority will normally adopt a risk-based inspection programme based on:

- the licensing objectives
- relevant codes of practice
- guidance issued by the Gambling Commission
- the principles set out in this statement of licensing policy.

8.7. Criteria that may normally contribute to an assessment to determine the level of risk that applies to a premises are:

- the size of the premises;
- the proximity of the premises to identified vulnerable persons;
- whether any complaints are received in relation to the premises and, if so, the nature and number of complaints that are considered relevant;
- information submitted from relevant persons or bodies; and
- such other factors as the particular circumstances of the individual situation warrant.

## Havant Borough Council Functions

### 9.1. Havant Borough Council will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- issue Provisional Statements
- regulate members clubs 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
- grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises (under the Licensing Act 2003) when 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 above on information exchange)
- maintain registers of the permits and licences that are issued under these functions.

### Fees

- 9.2. Under section 212 of the Act, the Licensing Authority shall aim to ensure that income from fees as nearly as possible equates to the costs of providing the service to which the fees relate.

# PART B – SPECIFIC FUNCTIONS

## Premises Licences

### Consideration of applications

- 10.1. In exercising its functions in relation to Premises Licences, the Licensing Authority will aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it:
- in accordance with any relevant Code of Practice under section 34 of the Act;
  - in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the Act;
  - reasonably consistent with the Licensing Objectives; and
  - in accordance with this Statement of Principles.

### Fundamental principles applying to Premises Licences

- 10.2. 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 which will be detailed in Regulations issued by the Secretary of State. Licensing Authorities can exclude default conditions and also attach others, where it is believed to be appropriate.
- 10.3. The Act states that an application must be made to a licensing authority in whose area the premises are wholly or partly situated. In circumstances where the premises lie in more than one licensing authority's area, the operator should make their application to just one of those authorities. Casino premises are subject to separate regulations, involving a two-stage application process.
- 10.4. In exercising its functions in relation to Premises Licences, the Licensing Authority will aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it:
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the Licensing Objectives (subject to the two sub-paragraphs above); and
  - in accordance with this Statement (subject to the three sub-paragraphs above).

### Definition of Premises

- 10.5. For the purposes of the Act, the term 'premises' is defined as including 'any place'. A premises licence may not be issued in relation to a vehicle, or part of a vehicle, but may be issued for passenger vessels.

- 10.6. The Act provides that different premises licences cannot apply in respect of single premises at different times, e.g., premises could not be licensed as a bingo hall on weekdays and a betting shop at weekends.
- 10.7. Whilst 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 reasonably regarded as being separate premises. In considering applications for multiple licences for a building, or those for a specific part of the building to be licensed, the Licensing Authority will take particular note of the following:
- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also 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.
  - entrances and exits from parts of a building covered by one or more 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. In this context, it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
  - customers should be able to participate in the activity named on the premises licence.

## **Decision Making**

- 10.8. In making a determination in respect of a Premises Licence, the Licensing Authority cannot have regard to irrelevant matters i.e., those that do not relate to gambling and the Licensing Objectives. Therefore, issues relating to whether planning permission or building regulations may or may not be granted are not relevant to the determination. 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.
- 10.9. In considering an application for a premises licence no regard will be had as to whether there is unfulfilled demand for the facilities for the premises licence that is sought.
- 10.10. As it does not relate to a licensing objective, moral objections to gambling will not be regarded as a valid reason to reject an application for a premises licence.
- 10.11. The Licensing Authority will seek to avoid duplication with other statutory/regulatory systems where possible. It will, however, listen to and carefully consider any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

10.12. Whilst each application will be considered on its merits, factors to which the Licensing Authority may in particular have regard when determining an application include:

- proximity of gambling premises to properties regularly frequented by vulnerable persons;
- the suitability of the premises for gambling in the context of the licensing objectives;
- the type of gambling that is proposed at the premises;
- **the type of advertising materials proposed at the premises;**
- any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns; and
- whether any relevant objections to an application could be addressed using one or more conditions

10.13. In circumstances where the Licensing Authority proposes to attach or reject conditions as part of a decision it will give reasons as required by the Act. Reasons will also be given if the Licensing Authority determines to reject an application.

### **Local risk assessment**

10.14. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this Statement.

10.15. The LCCP say that licensees must review (and update as necessary) their local risk assessments:

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

10.16. The Council will expect the local risk assessment to consider as a minimum:

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

- 10.17. Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.
- 10.18. It should be noted that this Statement does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

## **Expectations of licence holders**

### Training

- 10.19. In the interests of promoting the licensing objectives, the Licensing Authority expects licence holders to ensure that all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge of promoting responsible gambling and understanding gambling-related harm.
- 10.20. Staff members should be made aware of clear, documented processes for age verification, exclusion (whether mandatory or voluntary), identifying and communicating with vulnerable persons, refusing entry, maintaining an incident log and enforcing time/spend limits. This list is non-exhaustive and not intended to duplicate any existing training requirement such as may be required by the Gambling Commission's Code of Practice.

### Self-Exclusion Schemes

- 10.21. The Licensing Authority expects all premises to operate a voluntary exclusion scheme. This means that should a customer request to be excluded from the premises, they are excluded for an agreed period.
- 10.22. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant Code of Practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not re-admitted during the agreed period.

### Intervention

- 10.23. The Licensing Authority expects all premises to have a procedure in place to identify vulnerable persons, and to monitor and intervene where necessary. This may be when the individual is believed to be gambling beyond their means, or more than they would like.
- 10.24. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme.

## **Plans of premises**

- 10.25. Regulations made under the Act state that a plan submitted with an application must show:
- the extent of the boundary or perimeter of the premises

- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads

10.26. Other than in respect of a track, the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence. The Licensing Authority has the discretion to request additional detail on the plan where required to satisfy them that the application promotes the licensing objectives.

### **Notice of application**

10.27. Applicants for premises licences are required to publish notice of their application, and also to notify Responsible Authorities of their application. This requirement also applies to applications for provisional statements, and some ancillary applications that can be made in relation to premises licences.

10.28. Notice must be given in three ways:

- A notice placed outside the premises for 28 consecutive days, in a place where it can be conveniently read
- In a newspaper or newsletter or local relevance, on at least one occasion within ten days of the application being made
- To all Responsible Authorities, which includes the Commission, within seven days of the application being made. A licence application, and any licence subsequently issued, is not valid if the relevant notifications above have not been made.

### **Local area profile**

10.29. There is no statutory duty on the Licensing Authority to complete an area profile but there are significant benefits in having a better awareness of the local area and risks. The weblinks given below provide a range of information on the local environment which should be considered by applicants.

Indices of Deprivation:

[http://dclgapps.communities.gov.uk/imd/iod\\_index.html#](http://dclgapps.communities.gov.uk/imd/iod_index.html#)

Nomis: Official Census and Labour Market Statistics:

<https://www.nomisweb.co.uk/>

## Conditions

- 10.30. Specific sections of the Gambling Act 2005 provide for conditions to be attached automatically to premises licences, or for authorisations to be granted automatically.
- 10.31. Mandatory conditions: The Act may by regulations provide for a specified condition to be attached to premises licences. Such conditions may:
- a) apply generally, only to premises licences in a specified class or only in specified circumstances.
  - b) make different provision for different classes of licence or for different circumstances.
- 10.32. Default conditions: The Act may also by regulations prescribe for a specified condition to be attached to any premises licence unless excluded by the authority who issue the licence. Such conditions may:
- a) apply generally, only to premises licences in a specified class or only in specified circumstances.
  - b) make different provision for different classes of licence or for different circumstances.
- 10.33. Mandatory and default conditions that attach to all premises licences are usually sufficient to ensure that the premise is compliant with the licensing objectives. Subject to certain legislative exceptions, power is also available to a Licensing Authority to attach further conditions in addition to those identified above. Further conditions will only be considered where there are regulatory concerns of an exceptional nature and will relate to the licensing objectives. Such conditions may apply in relation to a premises generally or only in relation to a specified part of the premises and will be considered on a case-by-case basis.
- 10.34. Where a discretion exists, the Licensing Authority will not impose its own condition on a Premises Licence unless it relates to an issue arising in respect of the gambling proposal.
- 10.35. In exercising a discretion as to whether to impose any further condition, the Licensing Authority will be proportionate to the circumstances being considered.
- 10.36. The Licensing Authority shall not impose a condition that duplicates any requirement of any other regulatory regime. Similarly, if the Gambling Commission's LCCP places particular responsibilities or restrictions on an operator of a premises, it is not appropriate to impose the same through conditions on a premises licence.
- 10.37. It is noted that there are conditions the Licensing Authority cannot attach to premises licences, which are:
- any condition on the premises licence which make 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);
- conditions in relation to stakes, fees, winning or prizes.

## Reviews

- 10.38. An application for a review of a premises licence can be made by Interested Parties or Responsible Authorities. However, it is for the Licensing Authority to decide whether the application for review is to be granted. An application for review may, but need not, be rejected if the licensing authority thinks that the grounds on which the review is sought:
- a) Are not relevant to the principles that must be applied by the Licensing Authority, namely the licensing objectives, the Gambling Commission's code of practice and guidance, and/or this Statement of Principles
  - b) Are frivolous
  - c) Are vexatious
  - d) 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) Are substantially the same grounds as those cited in a previous application relating to the same premises
  - f) Are substantially the same representations made at the time the application for a premises licence was considered.
- 10.39. Whilst the Licensing Authority recognises the importance of the right of Responsible Authorities' and Interested Parties to request reviews of premises licences, the Licensing Authority would expect a reasonable interval between hearings for the same premises, and unless exceptional and compelling circumstances existed, would not hold a repeat hearing within 12 months.
- 10.40. The applicant for review must submit their application to the Licensing Authority in the prescribed form, stating the reasons why the review is requested, together with supporting information and/or documents. The applicant must also provide written notice of their application to the premises licence holder and to all Responsible Authorities within seven days of making the application.
- 10.41. As the Licensing Authority is required to permit the use of premises for gambling, in so far as it is in accordance with the section 153 principles, applications that raise general objections to gambling as an activity, that relate to demand for gambling premises, or raise issues relating to planning, public safety, and traffic congestion are unlikely to be considered an appropriate basis for review, leading to rejection under a) above.
- 10.42. Representations must be made within 28 days, commencing seven days after the date on which the application was received. During these seven

days the licensing authority is required to publish notice of the application as per the relevant regulations.

10.43. The Licensing Authority can also initiate a review of a premises licence. It may review the use of the premises and the arrangements that premises licence holders have made to comply with licence conditions, and will typically initiate a review as a result of concerns or complaints. The Licensing Authority may review any matter connected with the use of the premises if:

- it has reason to suspect that premises licence conditions are not being observed
- the premises is operating outside of the principles set out in the Licensing Authority's Statement of Principles
- there is evidence to suggest that compliance with the licensing objectives is at risk
- for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

10.44. A formal review would normally be at the end of a process of ensuring compliance by the operator, which might include an initial investigation by an Authorised Officer, informal mediation or dispute resolution. If the concerns are not resolved then, after a formal review, the Licensing Authority may impose additional conditions or revoke the licence.

10.45. The Licensing Authority must give written notice to the licence holder and Responsible Authorities that it intends to undertake a review and must also publish notice of its intention to carry out the review as per the relevant regulations.

10.46. Having given notice of their intention to initiate a review or having decided to grant a review following an application, the Act requires the Licensing Authority to carry out the review as soon as possible after the 28-day period for making representations has passed. A hearing must be held unless the applicant and any person who has made representations consent to the review being conducted without one. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence, namely:

- add, remove or amend a licence condition imposed by the licensing authority
- exclude a default condition (for example, relating to opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence.

10.47. The Licensing Authority may take the above action on the grounds that a premises licence holder has not provided facilities for gambling at the premises, to prevent people from applying for licences in a speculative manner without intending to use them.

10.48. Once the review has been completed the Licensing Authority must notify its decision as soon as possible to:

- the licence holder
- the applicant for review (if any)
- the Gambling Commission
- any person who made representations
- the Chief Officer of Police
- HM Revenue and Customs

## Provisional Statements

### General

- 11.1. Section 204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that they:
- expect to be constructed
  - expect to be altered
  - expect to acquire a right to occupy
- 11.2. Whilst applicants for premises licences must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply in relation to an application for a provisional statement.
- 11.3. An application for a provisional statement must be accompanied by plans and the prescribed fee.
- 11.4. Once the premises are constructed, altered or acquired, the holder of a provisional statement can return to the Licensing Authority and apply for the necessary premises licence. It is a question of fact and degree whether premises are finished to the extent that they can be considered for a premises licence.

### Decision Making

- 11.5. The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 11.6. Following the grant of a provisional statement and on application for a premises licence, 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
  - in the authority's opinion, they reflect a change in the applicant's circumstances.
- 11.7. The Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage; or
  - which in the authority's opinion reflect a change in the operator's circumstances.

11.8. The Licensing Authority will not have regard to whether or not a proposal by the applicant is likely to receive planning permission or obtain building regulations approval.

## Adult Gaming Centre – Premises Licence

### General

12.1. An Adult Gaming Centre is a premises for which a Premises Licence is granted to make certain prescribed gaming machines available only to persons aged 18 years and over.

12.2. An Adult Gaming Centre Premises Licence can authorise the holder to make available:

For premises in existence before 13th July 2011 -

- up to four category B3 or B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater.
- No limit of category C or D machines.

For new premises licensed from 14th July 2011 -

- Up to 20% of the total number of gaming machines on the premises may be of category B3 or B4.
- No limit of category C or D machines.

12.3. Holders of premises licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility.

### Decision Making

12.4. The Licensing Authority will particularly have regard to the need to protect persons under 18 years of age and other 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 years old do not have access to the premises.

12.5. This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives and appropriate measures may cover issues such as:

- provision of CCTV
- supervision of entrances / gaming machine areas
- physical separation of different areas within the premises
- numbers, locations and wording of signage / notices / rules
- self-exclusion schemes
- specific opening hours
- the location of adult gaming machine
- provision of information leaflets / help line numbers for organisations such as GamCare
- proof of age schemes

12.6. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **Conditions**

- 12.7. A number of mandatory conditions apply to Adult Gaming Centres, but there are currently no default conditions applicable.

## Licensed Family Entertainment Centre – Premises Licence

### General

- 13.1. The Act creates two classes of Family Entertainment Centre.
- i. A Licensed Family Entertainment Centre will require a premises licence allowing an unlimited number of Category C or D gaming machines. Persons under 18 years old are permitted to enter a Family Entertainment Centre and may play on Category D machines only. They will not be permitted to play on Category C machines, and it will be a requirement that there must be clear segregation between the two types of machine, so that they do not have access to Category C machines.
  - ii. An Unlicensed Family Entertainment Centre which allows gaming machines to be made available for use by means of gaming machine permits, as opposed to a premises licence. These permits could be for an unlimited number of Category D gaming machines only. These permits are covered elsewhere in this Statement of Principles.

### Decision Making

- 13.2. The Licensing Authority will particularly have regard to the need to protect children and young persons and other 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 persons under 18 years of age do not have access to Category C gaming machines.
- 13.3. The Licensing Authority will expect the applicant to offer their own measures, which may cover issues such as:
- provision of CCTV
  - supervision of entrances/gaming machine areas
  - physical separation of different areas within the premises
  - numbers, locations and wording of signage/notices/rules
  - self-exclusion schemes
  - specific opening hours
  - the location of adult gaming machines
  - provision of information leaflets/help line numbers for organisations such as GamCare
  - proof of age schemes
- 13.4. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### Conditions

- 13.5. A number of mandatory conditions apply to Family Entertainment Centres, but there are currently no default conditions applicable.



## Casino - Premises Licence

### Casino Resolution

- 14.1. At the date of adoption of this Statement, the Licensing Authority has not passed a resolution preventing the grant of Casino Premises Licences in line with Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution.

### General

- 14.2. Casino Premises Licences fall into one of two categories: a Large Casino Premises Licence or a Small Casino Premises Licence. These are subject to separate application processes and regulations.
- 14.3. The Council is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e., the Secretary of State has made such regulations under section 175 of the Gambling Act 2005) there are likely to be several operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. The Council will run such a competition in line with any regulations issued under the Gambling Act 2005 and in accordance with the Secretary of State's code of practice for competition of this nature.
- 14.4. The current regulatory framework prescribes that Category B gaming machines may only be made available in licensed gambling premises, and not in locations which may prompt more ambient gambling such as pubs. Maintaining distinctions between different gambling venues allows individuals to make a deliberate choice whether to enter that particular gambling environment. Licensing authorities should satisfy themselves that a premises applying for, or operating under a Casino Premises Licence will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for casino games and/or games of equal chance.
- 14.5. All non-remote casinos must offer self-exclusion schemes to customers requesting such a facility.

### Decision Making

- 14.6. The Council will, as per the Gambling Commission's guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number / nature / circumstances of betting machines an operator wants to offer.
- 14.7. The Licensing Authority will expect the applicant to offer their own measures, which may cover issues such as:

- provision of CCTV
- supervision of entrances/gaming machine areas
- physical separation of different areas within the premises
- numbers, locations and wording of signage/notices/rules
- self-exclusion schemes
- specific opening hours
- the location of adult gaming machines
- provision of information leaflets/help line numbers for organisations such as GamCare
- proof of age schemes

14.8. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **Conditions**

14.9. A number of mandatory and default conditions apply to Casino Premises Licences, with different conditions applicable depending on whether it is a large or small casino.

## **Bingo - Premises Licence**

### **General**

15.1. The holder of a Bingo Premises Licence will be able to offer any type of bingo game, whether cash or prize. Furthermore, the holder of the licence may make available for use:

For premises in existence before 13th July 2011 -

- up to eight category B3 or B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater.
- No limit of category C or D machines.

For new premises licensed from 14th July 2011 -

- Up to 20% of the total number of gaming machines on the premises may be of category B3 or B4.
- No limit of category C or D machines.

15.2. The Licensing Authority will expect the premises to abide by the rules concerning primary gambling activity.

### **Decision Making**

15.3. It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

15.4. The Licensing Authority will particularly have regard to the need to protect children, young persons and other 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 persons under 18 years of age do not have access to adult only gaming machines.

15.5. The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures may cover issues such as:

- provision of CCTV
- supervision of entrances/gaming machine areas
- physical separation of different areas within the premises
- location of entry to premises
- numbers, locations and wording of signage/notices/rules
- self-exclusion schemes
- specific opening hours
- the location of adult gaming machines
- provision of information leaflets/help line numbers for organisations such as GamCare
- proof of age schemes.

15.6. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 15.7. The Licensing Authority normally expect the applicant to identify the types of gaming machine that will be placed on the premises.
- 15.8. Whilst each application will be considered on its merits, factors to which the Licensing Authority may in particular have regard when determining an application of this nature include the suitability and layout of bingo premises.
- 15.9. All bingo premises must offer self-exclusion schemes to customers requesting such a facility.

### **Conditions**

- 15.10. A number of mandatory and default conditions apply to Bingo Premises Licences.

## Betting – Premises Licence

### General

- 16.1. A Betting Premises Licence is usually required to enable betting to take place on premises (see Tracks below). The regional, large and small categories of new casinos permitted under the Act will be entitled to provide facilities for betting without a separate Betting Premises Licence.
- 16.2. The Licensing Authority will expect the premises to abide by the Licensing Conditions and Code of Practice (LCCP) (social responsibility code provision 9) and offer substantive facilities for non-remote betting if gaming machines are available for use.
- 16.3. By virtue of a Betting Premises Licence the holder may, subject to certain restrictions, make available for use up to four gaming machines of category B2, B3, B4, C or D.
- 16.4. Other than in the case of tracks, for which special rules apply, children and young persons will not be able to enter premises with a Betting Premises Licence.
- 16.5. All betting premises must offer self-exclusion schemes to customers requesting such a facility.

### Decision Making

- 16.6. The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives and appropriate measures may cover issues such as:
  - provision of CCTV
  - supervision of entrances/gaming machine areas
  - location of entry to premises
  - numbers, locations and wording of signage/notices/rules
  - self-exclusion schemes
  - specific opening hours
  - provision of information leaflets/help line numbers for organisations such as GamCare
  - the number and location of gaming and betting machines
  - proof of age schemes.
- 16.7. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures
- 16.8. In addition to the above and other relevant factors, the Licensing Authority in having regard to the licensing objectives will normally, when making a decision, have regard to the size of the premises, the counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines.

## **Conditions**

- 16.9. A number of mandatory and default conditions apply to Betting Premises Licences.
- 16.10. As part of the powers available to the Licensing Authority in relation to the imposition of conditions, the Licensing Authority may attach conditions restricting the number of betting machines, their nature and circumstances in which they are made available.

## Track – Premises Licence

### General

- 17.1. The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or sporting event takes place or is intended to take place. The Act does not give a list of all premises officially recognised as ‘tracks’, but examples include:
- a horse racecourse
  - a greyhound track
  - a point-to-point horserace meeting
  - football, cricket and rugby grounds
  - an athletics stadium
  - a golf course
  - venues hosting darts, bowls, or snooker tournaments
  - a premises staging boxing matches
  - a section of river hosting a fishing competition
  - a motor racing event
- 17.2. For betting to take place on a track a Betting Premises Licence will be required unless an Occasional Use Notice or Temporary Use Notice is in place.
- 17.3. Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track without overlap.
- 17.4. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place. But having regard to the need to protect persons under 18 years of age from harm, they should still be prevented from entering areas where gaming machines (other than Category D machines) are provided.

### Decision Making

- 17.5. In recognition of the extant guidance on this matter, the Licensing Authority will normally require detailed plans of the premises showing the following information:
- location of gaming machines
  - location of betting machines
  - location of any race track
  - the location of any on-course betting facilities
  - the location of any off-course betting facilities
  - the location of any areas to be the subject of additional Premises Licence applications.
- 17.6. The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives and appropriate measures may cover issues such as:

- provision of CCTV
- supervision of entrances/gaming machine areas
- physical separation of different areas
- location of entry to premises
- numbers, locations and wording of signage/notices/rules
- specific opening hours
- provision of information leaflets/help line numbers for organisations such as GamCare
- the number and location of gaming and betting machines
- proof of age schemes.

17.7. In addition to the above and other relevant factors, the Licensing Authority in having regard to the need to protect children, young persons and other vulnerable persons from harm will normally, when making a decision, have regard to the size of the premises, the counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines.

### Conditions

17.8. A number of mandatory and default conditions apply to Track Premises Licences.



## **Travelling Fairs**

### **General**

- 18.1. A Travelling Fair “wholly or principally” provides amusements, and must be on a site that has been used for fairs for no more than 27 days per calendar year.
- 18.2. Travelling Fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates.

## Permits / Temporary and Occasional Use Notices

### Unlicensed Family Entertainment Centre Gaming Machine Permits

#### General

- 19.1. Unlicensed Family Entertainment Centres are premises which are 'wholly or mainly' used for making gaming machines available.
- 19.2. It is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.
- 19.3. This type of permit authorises the provision of Category D gaming machines only. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. Any number of Category D machines can be made available under this type of permit.
- 19.4. An application will only be granted if the Chief Officer of Police has been consulted on the application.
- 19.5. In addition to the statutory requirements, as part of any application for an Unlicensed Family Entertainment Centre Gaming Machine Permit, the Licensing Authority will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:
  - A detailed plan of the premises, with locations of machines specified
  - details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited
  - details of any other permit held by the applicant in respect of other premises
  - the nature of the prizes
  - the proposed frequency of prize gaming at the premises
  - details of any training and training programme on the limits of stakes, prizes and permissible gambling relating to such permits
  - details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.
  - Appropriate measures/training for staff regarding suspected truant school children on the premises.
- 19.6. Applications for this permit cannot be made if a Premises Licence has been granted under this Act.

#### Decision Making

- 19.7. In considering any application the Licensing Authority will normally have regard to the following:
  - each case will be considered on its merits
  - any information received as part of the application process

- the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons
- such other factors as the Licensing Authority considers relevant.

19.8. The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised officer has been refused access to the premises without reasonable cause; or that the renewal would not be reasonably consistent with pursuit of the licensing objectives.

### **Conditions**

19.9. The Act imposes mandatory conditions on Unlicensed Family Entertainment Centre Gaming Machine Permits. The Licensing Authority cannot impose any other conditions.

## **Alcohol Licensed Premises Gaming Machine Permits**

### **General**

- 20.1. Premises licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises (such as pubs, hotels and restaurants), can automatically have two gaming machines of Category C and/or D. The premises licence holder only needs to notify the licensing authority of their intention to make gaming machines available and pay the required fee. In certain circumstances the Licensing Authority has the power to remove this right.
- 20.2. If a premises wishes to have more than two machines, it needs to apply for an Alcohol Licensed Premises Gaming Machine Permit. The Licensing Authority will consider the application based upon the Licensing Objectives, guidance issued by the Gambling Commission and other such matters as they think relevant.
- 20.3. We recognise that some alcohol licensed premises may apply for a premises licence for their non-alcoholic licensed areas. This may require an application for an Adult Gaming Centre premises licence.

### **Decision Making**

- 20.4. The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures in place to ensure that persons under the age of 18 years do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority may include:
- the adult gaming machines being in sight of the bar, or in sight of staff who will monitor that the machines are not being used by persons under the age of 18 years
  - notices and signs
  - provision of information leaflets/helpline numbers for organisations such as GamCare.
- 20.5. The Licensing Authority will consider applications taking into account the Licensing Objectives, guidance issued by the Gambling Commission and such other matters as it considers relevant on a case by case basis.

### **Conditions**

- 20.6. The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machine but cannot attach any other conditions. However, the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

## **Prize Gaming Permits**

### **General**

- 21.1. A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 21.2. In addition to the statutory requirements, as part of any application for a Prize Gaming Permit, the Licensing Authority will require the following, in writing, in order to ensure that adequate information is provided to enable a proper assessment to be made:
- details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited
  - details of any other permit held by the applicant in respect of other premises
  - the nature of the prizes
  - the proposed frequency of prize gaming at the premises;
  - details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits
  - details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.

### **Decision Making**

- 21.3. In considering any application the Licensing Authority will normally have regard to the following:
- each case will be considered on its merit
  - any information received as part of the application process
  - the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons
  - such other factors as the Licensing Authority considers relevant.

### **Conditions**

- 21.4. The Act imposes mandatory conditions on a Prize Gaming Permit. The Licensing Authority cannot impose any other conditions.

## **Club Gaming and Machine Permits**

### **Club Gaming Permits**

- 22.1. A Club Gaming Permit provides that Members Clubs and Miners' Welfare Institutes (but not commercial clubs), subject to certain restrictions, may have no more than three gaming machines of Category B3A, B4, C or D, equal chance gaming and other games of chance as prescribed in regulations.
- 22.2. Before granting the permit the Licensing Authority must be satisfied that the premises meet the requirements of a members club and that the majority of members are over 18 years of age.

### **Club Machine Permits**

- 22.3. A Club Machine Permit authorises up to three gaming machines of Category B3A or B4 to D to a Members club, Miners' Welfare Institute or commercial club when the establishment is only able or interested in the provision of gaming machines.

### **Decision Making**

- 22.4. The Licensing Authority cannot attach conditions to either of these permits.
- 22.5. Subject as provided below, the Licensing Authority may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements of a member's club or commercial club (club machines only);
  - the applicant's premises are used wholly or mainly by persons under the age of eighteen;
  - an offence under the Act, or a breach of permit has been committed by the applicant in the course of gaming activities being carried on
  - a permit held by the applicant has been cancelled in the last ten years; or
  - an objection to the application has been made by the Gambling Commission or the Police.
- 22.6. In the case of a club which holds a club premises certificate under the Licensing Act 2003, the Licensing Authority may only refuse an application on the grounds that:
- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 22.7. There are mandatory conditions on club gaming permits and club machine permits. No child is permitted to use a Category B or C machines on the

premises and the permit holder must comply with any relevant Gambling Commission Code of Practice about the location and operation of gaming machines.

## Temporary Use Notices

### General

- 23.1. A Temporary Use Notice may be used where a gambling operator wishes to use premises (as identified in the Act) where there is no Premises Licence for temporarily providing facilities for gambling, such as hotels, conference centres and sporting venues.
- 23.2. A Temporary Use Notice may only be lodged with the Licensing Authority by the holder of an operating licence issued by the Gambling Commission.
- 23.3. A Temporary Use Notice must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin, with the relevant fee paid. The application must be copied to:
- The Gambling Commission
  - The Police
  - HMRC
  - If applicable, any other Licensing Authority in whose area the premises are also situated.
- 23.4. A number of restrictions apply to gambling permitted under a Temporary Use Notice:
- A Temporary Use Notice can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both
  - Gambling under a Temporary Use Notice may only be made available on a maximum of 21 days in any 12-month period for any or all of a named set of premises. It is for the Licensing Authority to determine in each case what constitutes a set of premises.
  - It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
  - Gaming machines may not be made available under a Temporary Use Notice

### Decision Making

- 23.5. Where no objections are made within 14 days of the date of the Notice, the Licensing Authority shall endorse it as valid and return it to the person who lodged it.
- 23.6. Where an objection has been received in relation to a Temporary Use Notice, the Licensing Authority must hold a hearing to consider representations from the person who submitted the Notice, any objectors and any person entitled to receive a copy of the notice.



- 23.7. If the Licensing Authority considers that the Temporary Use Notice should not have effect – after a hearing has taken place or has been dispensed with – it must issue a counter-notice which may provide for the TUN
- not to have effect
  - to have effect only in respect of a specified activity
  - to have effect only in respect of activity carried on during a specified period of time or at specified times of day
  - to have effect subject to compliance with a specified condition.
- 23.8. Objections may be dealt with by proposing modifications that will alleviate the objectors' concerns. If the modifications are accepted by the applicant, a new Temporary Use Notice must be given, incorporating the modifications, and the original notice will be treated as withdrawn.
- 23.9. A counter notice providing that a Temporary Use Notice will not take effect will be given by the Licensing Authority where the notice would contravene the maximum number of days available for a set of premises.
- 23.10. The counter notice can prevent the Temporary Use Notice from having effect or may limit the Notice in other various prescribed ways.
- 23.11. The principles that the Licensing Authority applies in deciding whether to issue a counter-notice are the same as those in determining Premises Licence applications.

## **Occasional Use Notices**

- 24.1. Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a Premises Licence.
- 24.2. Occasional Use Notices may not be relied upon for more than eight days in a calendar year.
- 24.3. The Act prescribes the requirements and process for issuing such Notices; this includes giving notice to the Licensing Authority and copying it to prescribed parties.

## **Gaming Machines – Available for Use**

- 25.1. It is an offence for a person to make a gaming machine available for use where they do not hold the relevant permission(s) or exemption(s) covering gaming machines.
- 25.2. The Act does not define what 'available for use' means and therefore the Licensing Authority shall have regard to the Gambling Commission's guidance on the interpretation of this phrase. Broadly speaking, a machine is 'available for use' if a person can take steps to play it without the assistance of an operator.

## Miscellaneous

### Rights of appeal and judicial review

- 26.1. Havant Borough Council is aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. It also recognises that failure to give reasons for a decision may compel a person to appeal. Havant Borough Council will:
- give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so
  - wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.
- 26.2. An appeal must be commenced by the giving of a notice of appeal by the appellant to the local magistrate' court within a period of 21 days beginning with the day on which the appellant was notified by Havant Borough Council of the decision to be appealed against.
- 26.3. Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

### Small society lotteries

- 26.4. The Gambling Act 2005 denotes local authorities as being responsible for registering societies to run small society lotteries.
- 26.5. There are two types of lottery, the latter of which the Council will deal with in terms of receiving and processing applications;
- Licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Gambling Commission and require operating licences;
  - Exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Gambling Act 2005, including the small society lottery.
- 26.6. The Council will refer to the relevant sections of the Gambling Act 2005 and guidance from the Gambling Commission in determining whether a lottery constitutes one of the four exempt lotteries, and whether a 'society' is a non-commercial society for the purposes of holding small society lotteries.
- 26.7. The Council will publish guidance notes on the registration of a small society lottery, incorporating any relevant guidance from the Gambling Commission, relating to tickets, limits places on exempt lotteries, administration of applications and social responsibility. This can be seen at Appendix C to this Statement.

26.8. The Gambling Commission's advice note on promoting society and local authority lotteries shall be made available to potential applicants on the Council's website.

### **Other matters**

26.9. In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Havant Borough Council website ([www.havant.gov.uk](http://www.havant.gov.uk)) or by contacting the Licensing Department at Havant Borough Council:

- Register of premises licences issued by Havant Borough Council
- Fees
- Guidance on how to make an application
- List of responsible authorities and contact details
- Application forms, where appropriate
- Making representations
- Applying for a review of a licence

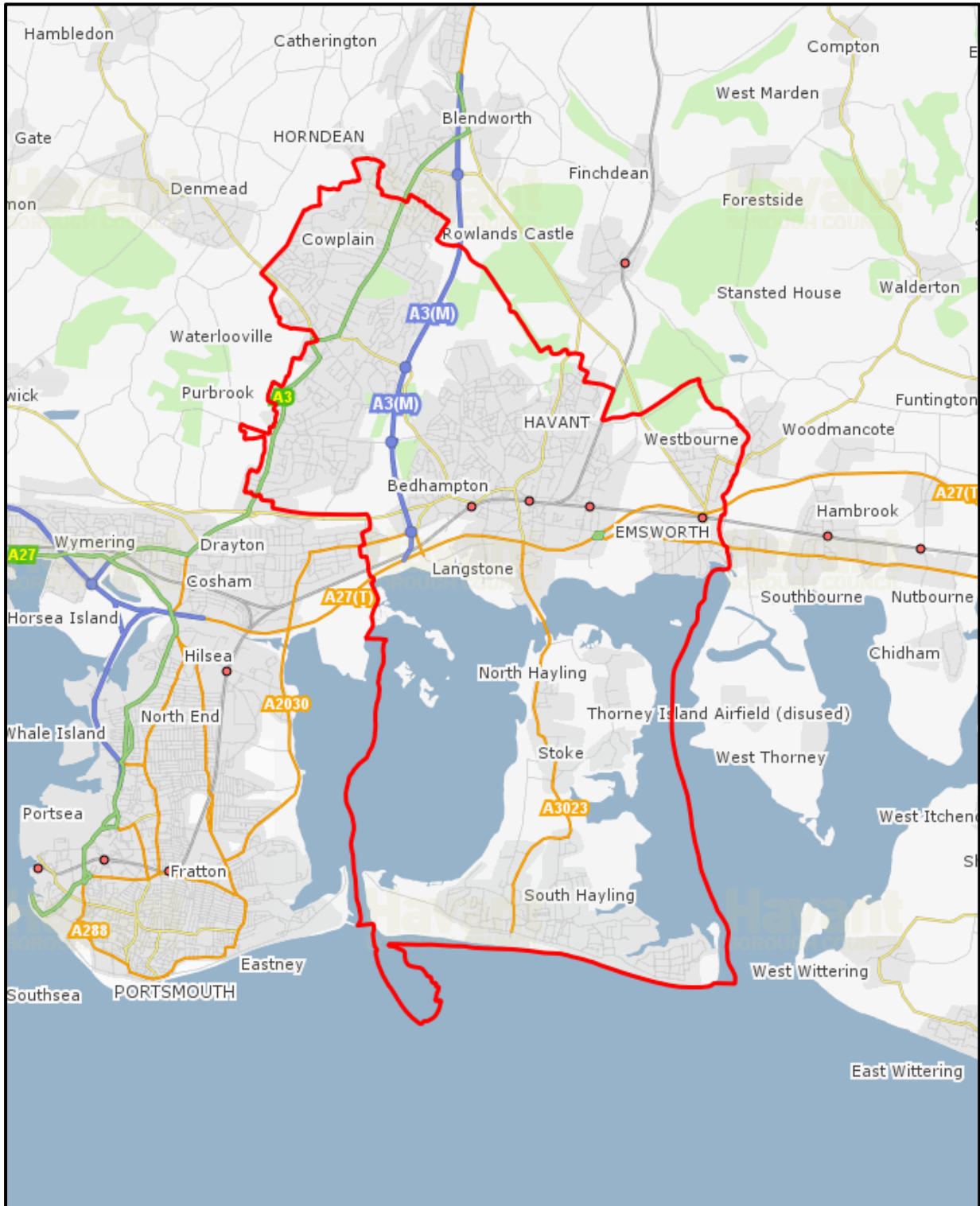
# APPENDIX A

## Havant Borough Council Delegations of Licensing Functions

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee of Licensing Committee</b>	<b>Officers</b>
Statement of Principles	x		
No-casino resolution	x		
Fee setting (when appropriate)			x
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

Determination as to whether a person is an Interested Party			x
Determination as to whether representations are relevant			x
Determination as to whether a representation is frivolous, vexatious or repetitive.			x

# APPENDIX B



## **APPENDIX C**

### **GUIDANCE NOTES ON THE REGISTRATION OF A SMALL SOCIETY LOTTERY**

These guidance notes refer only to registration of a small society lottery. Please refer to the Gambling Commission for further clarification on the different types of lotteries, the licensing and registration of lotteries, and exempt lotteries.

#### **DEFINITION**

The Act's definition of a small society lottery falls into two distinct areas:

Society status - the society in question must be 'non-commercial'

Lottery size - the total value of tickets for sale per single lottery must not exceed £20,000, or the aggregate value of tickets for sale in all lotteries in a calendar year must not exceed £250,000.

If the operator plans to exceed either of these values, they may need to be licensed with the Gambling Commission to operate a large lottery.

#### **LIMITS PLACED ON SMALL SOCIETY LOTTERIES**

At least 20% of the lottery proceeds must be applied to the purposes of the society (para 33);

No single prize can be worth more than £25,000 (para 34);

Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (para 35);

Every lottery ticket must cost the same, and the society must receive payment before entry into the draw is allowed (para 37).

#### **TICKETS**

Lottery tickets may involve the issuing of physical or virtual tickets to participants (i.e. paper ticket, e-mail or text message). All tickets must state:

the name of the promoting society

the price of the ticket (which must be the same for all tickets)

the name and address of the society member designated as having responsibility for promoting small lotteries, or (if there is one) the external lottery manager

the date of the draw, or information enabling the date to be determined.

The requirement to provide this information for virtual tickets can be satisfied by the participant retaining the message electronically or printing it. The Gambling Commission recommends that societies maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

The licensing authority is permitted to inspect the records of the lottery for any purpose related to it. The Act requires that lottery tickets must only be sold by, and to, people over the age of 16 only.



## **RETURNS**

Under para 39 of Schedule 11, the society must send returns to the licensing authority following each lottery held. The following information must be submitted:

The arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw, and the value of prizes, including any donated prizes and any rollover

The total proceeds of the lottery

The amounts deducted by the lottery promoters for prizes, including prizes in accordance with any rollovers

The amounts deducted by the lottery promoters for costs incurred in organising the lottery

The amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)

The amount of any expenses incurred in connection with the lottery not paid from the proceeds, and the sources from which they were paid

The returns must be sent to the licensing authority within three months of the date of the lottery draw or, in the case of 'instant lotteries' (scratch cards), within three months of the last date on which tickets were on sale

Returns must be signed (electronic signatures are acceptable) by two members of the society, over 18 years old, appointed for the purpose by the society or its governing body. A copy of their letter or letters of appointment must be included with the return.

## **EXTERNAL LOTTERY MANAGERS**

An external lottery manager can be an individual, or a company appointed by the society to manage a lottery, or lotteries, on their behalf. They are consultants and generally take their fees from the expenses of the lottery.

External lottery managers must hold an operator's licence issued by the Commission to manage any lottery, including small society lotteries registered with a licensing authority. Societies must consult the register of operating licences held on the Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) before employing an external lottery manager. It is an offence to employ an unlicensed manager.

## **NEW REGISTRATION**

To register a new small society lottery, complete the online application form on Havant Borough Council's website.

Submit the online application form, complete with £40.00 registration fee.

## **ADMINISTRATION OF REGISTRATION**

The Council is required by para 44 of schedule 11 of the Act to record details of the society on a register, which must be made available to the public on request. It must also inform the Gambling Commission of all registrations.

Once the application for registration has been accepted, the applicant will be notified as soon as practicable.

Registrations run for an unlimited period, unless cancelled or revoked.

There will be an annual fee of £20, which must be paid within the two months prior to the anniversary of registration. Renewal notices will be sent to all registered societies as a courtesy.

The anniversary of any registration will start from the date of first registration by the local authority.

## **REFUSAL OF APPLICATION**

Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for refusal of registrations. In summary these are:

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 within the past five years;

The society in question cannot be deemed non-commercial;

A person who will, or may be, connected with the promotion of the lottery has been convicted of a relevant offence (as listed at schedule 7 of the Act); or

Information provided in, or with, the application for registration is found to be false or misleading.

The licensing authority will only refuse an application after the society has had the opportunity to make representations. These can be made at a formal hearing or in writing. Further information on the procedure will be supplied on request.

## **REVOCAION OF REGISTERED STATUS**

A licensing authority may revoke the registration of a society if it thinks they would have had to, or would have been entitled to, refuse an application being made at that time. The same procedure applies as above. Revocations cannot take place unless the society has been given an opportunity to make representations at a formal hearing or in writing. Further information on the procedure will be supplied on request.

## **APPEALS**

Following conclusion of any hearings and receipt of representations, the licensing authority would notify the applicant or society as soon as possible if their registration is still to be revoked, or if their application for registration has still been rejected. The process of appeal would be sent to the applicant with any decision notice. Any appeal against a decision must be made within 21 days of receipt of the decision notice. This must be made directly to the local magistrates' court.

## **FURTHER GUIDANCE**

Applicants are encouraged to consult the Gambling Commission's website for up-to-date advice and guidance on how to legally run a small society lottery. In particular, the Commission's Lottery Toolkit is particularly helpful and provides guidance on changes to draw dates, ticket vending machines and other variables.