

CONSULTATION ON GAMBLING ACT DRAFT STATEMENT OF LICENSING POLICY

1 PURPOSE OF REPORT

- 1.1 This report details the response to consultation of the Council's draft policy for gambling that was approved for consultation by the Licensing Committee on 13 July 2015.
- 1.2 It proposes no change in the original draft and seeks Members' approval for placing before Council on 15 December 2015.
- 1.3 This report also seeks Members' recommendations to Council on the question of whether or not the Licensing Authority should exercise its discretion to resolve not to issue casino licences.

2 INTRODUCTION

- 2.1 Section 349 of the Gambling Act 2005 requires the Council to determine and to publish its licensing policy every 3 years. The Council's current policy for the period ending 30 January 2016 was reviewed, revised and approved for consultation between 17 August and 6 November 2015
- 2.2 The Act requires the Council to keep the policy under review throughout each period and to revise it as necessary. Prior to making any changes, or in advance of a new 3 year period, the Council must carry out a consultative process with Responsible Authorities defined by the Act and others who the Authority considers would have an interest in the policy.
- 2.3 The draft Policy was circulated for consultation to those identified in the report and the draft policy was displayed at the Council offices and on the Council's website.
- 2.4 A copy of the draft policy consulted upon is attached.
- 2.5 To help inform this process the Gambling Commission was required to issue guidance to licensing authorities on a manner in which they are to exercise their functions, and the principles to be applied by them in exercising them. Licensing Authorities are required to have regard to this guidance under the Gambling Act 2005. It has come to light, however, that the current Guidance to Licensing Authorities (GLA 5th edition) was under review by the Gambling Commission and the closing date for responses to the consultation was 22 June 2015. The new guidance was published on the 29 September 2015.
- 2.6 The timing of this review created particular challenges to licensing authorities as it left limited time following the publication for the revised GLA in which to complete a fully informed review and undertake a statutory consultation. The draft policy will be presented at Full Council in December, in order to achieve the January deadline. No relaxation was granted to local authorities in respect

of this deadline date pending the review of the GLA. The outcome means that the changes to the GLA are substantial and significant and we have been unable to insert them into the policy between consultation and final policy without re-consulting.

3 RESPONSE TO CONSULTATION

- 3.1 Responses from Canewdon Parish Council, Coral and Gosschalks Solicitors have been received with comments regarding typing errors and new legislation that the Government introduced this year.
- 3.2 It is the intention of the licensing authority to review the Statement of Licensing Policy in 2016 to include the new legislation, local area profile and risk assessments.
- 3.3 A copy of these responses are attached (Appendix A).

4 RISK IMPLICATIONS

- 4.1 There is a statutory obligation for the statement of licensing policy to be published by 30 January 2016. The draft policy has to be implemented for consideration and ratification by Full Council on 15 December 2015.
- 4.2 The Committee is bound by the provisions of the Act, the statutory guidance issued by the Gambling Commission and its own statement of licensing policy in the administration of the licensing regime and in determining licensing issues.

5 LEGAL IMPLICATIONS

- 5.1 There may be a potential for decisions made in determining licensing applications to become subject to appeal if an up to date statement of licensing principles has not been approved by Full Council and published by 30 January 2016, or the policy itself subject to legal challenge.

6 RECOMMENDATION

- 6.1 It is proposed that the Committee **RECOMMENDS TO COUNCIL** that the amended statement of licensing policy (Gambling Act 2005) be approved and that the position that the Council should take in respect of casino licences be confirmed.



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Background Papers:-

None.

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Statement of Licensing Policy

Gambling Act 2005

**For period ~~31 January 2013 to~~
~~30 January 2016~~**

31 January 2016 – 30 January 2019

Preface

This is the ~~third~~ **fourth** statement of principles, which is known in this District as the Statement of Licensing Policy (Gambling Act 2005), that the council offers for consultation in accordance with the requirements of section 349 of the Gambling Act 2005.

Since the adoption of the third statement the Act has amended maximum stakes and maximum prize limits for gaming machines. References in this statement to the Gambling Act 2005 are references to the Act as amended.

This statement sets out the principles that the council, as the licensing authority for the Rochford District, will apply in carrying out its licensing functions for the 3 year period commencing ~~31 January 2013~~ **31 January 2016**

This statement was ~~drafted~~ **reviewed** in accordance with the requirements of the Gambling Act 2005 and regulations issued under it and in consideration of the Guidance to Licensing Authorities dated ~~May 2009~~ **September 2012** and relevant Codes of Practice issued by the Gambling Commission.

The revised policy was offered for consultation between 17 August 2015 – 6 November 2015

The policy was approved by the Licensing Authority on 15 December 2015 and has effect from 31 January 2016 – 30 January 2019

The Licensing Authority has published appendices to this Statement of Licensing Policy setting out general information and guidance on the various requirements in respect of making applications, the fees payable, making representations, hearings and reviews. The appendices were prepared subject to the Act, guidance and regulations current at the time. They may be amended from time to time and should not be taken as law and readers are advised to seek legal advice where appropriate.

The Gambling Act 2005 gives the Council discretion as to the question of issuing casino premise licences and provides that it may pass a resolution not to issue those licences during each 3-year period the Statement of Licensing Policy has effect. Where the Council passes such a resolution, that fact must be published within the Statement of Licensing Policy.

~~During the consultation on its proposed policy, the Council specifically invited comments in respect of the question of issuing casino premises licences. No responses were received.~~

~~At its meeting on 15 December 2012 the Council, having not received any responses to the consultation process, passed a resolution not to issue casino premises licences and approved its Statement of Licensing Policy (Gambling) accordingly.~~

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1 Introduction

- 1.1 This Statement of Licensing Policy sets out the principles the Council, as the Licensing Authority under the Gambling Act 2005, proposes to apply in discharging its functions to licence premises for gambling and in respect of:
- designating the body responsible for advising the authority on the protection of children from harm;
 - determining whether or not a person is an 'Interested Party';
 - exchanging information with the Gambling Commission and others; and
 - inspecting premises and instituting proceedings for offences.

Description of the District

- 1.2 The area is predominantly rural in character with many smaller towns and villages and two main urban centres at Rochford and Rayleigh. It has a population of approximately 79000 people.
- 1.3 The District offers a wide and developing variety of commerce, culture, history, recreation and dwellings. The transport infrastructure is extensive and expanding, being provided by mainline railway to London and Southend, local bus and taxi services and, currently under development, London (Southend) airport.
- 1.4 At the time of publication of this policy, gambling in the District is carried out in ~~7~~ 8 premises licensed for betting, 1 premise licensed as an adult gaming centre and ~~80~~ 52 premises consisting mainly of public houses and clubs with permits for gaming machines. There are ~~32~~ 23 small lotteries registered within the District.

Consultation

- 1.5 The Gambling Act 2005 requires the Licensing Authority to publish a statement of licensing principles that it proposes to apply when discharging its functions for each 3-year period, having consulted with:
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 1.6 The Licensing Authority consulted on this Statement of Licensing Policy between ~~1 July 2012 and 30 September 2012~~ 17 August 2015 – 6 November 2015 by sending a copy to:
- each of the Responsible Authorities;

- each public library in the District;
- each Council office in the District;
- each Parish Council in the District;
- persons representing interests of persons carrying on gambling businesses;
- persons representing the interests of persons likely to be affected by the exercise of the authority's function under the Gambling Act 2005;

and by placing a copy of the policy on the Council's website.

- 1.7 ~~There were no comments made to the policy during the consultation period.~~
- 1.8 This Statement of Licensing Policy has effect from ~~31 January 2013 until 30 January 2016.~~ **31 January 2016 – 30 January 2019.**
- 1.9 The Gambling Act 2005 requires the Licensing Authority to monitor, review and, where appropriate, amend its statement and then re-publish it. The Licensing Authority will consult with those groups mentioned in paragraph 1.6 prior to amending any part of the statement.

2 General Principles

The Licensing Objectives

- 2.1 In exercising most of its functions under The Gambling Act 2005, Licensing Authorities must have regards to the Licensing Objectives as set out in Section 1 of the Act.

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

- 2.2 Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.
- 2.3 Where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.
- 2.4 The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a licensing objective under the Gambling Act.

Ensuring that gambling is conducted in a fair and open way

- 2.5 The Licensing Authority will not generally be concerned with ensuring that gambling is conducted in a fair and open way as this is a matter more appropriate for the Gambling Commission.
- 2.6 The Licensing Authority notes however that, in relation to the licensing of tracks the Licensing Authority's role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

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

- 2.7 The Licensing Authority considers this objective to mean preventing children from taking part in gambling, as well as restrictions on advertising so that gambling products are not aimed at or are, particularly attractive to children.
- 2.8 The Licensing Authority will consider whether specific measures, e.g. supervision of entrances/machines, segregation of areas etc. are required at particular premises with regard to this licensing objective, each case being dealt with on its own merits.
- 2.9 In considering applications in respect of premises, the Licensing Authority will pay attention to the proposed location of gambling premises in terms of this licensing objective. The Authority will have regard to any relevant Codes of Practice issued by the Gambling Commission when considering specific premises, such as casinos.

- 2.10 The Authority regards the term “vulnerable persons” to apply to people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental health needs, learning disability or substance misuse relating to alcohol or drugs. .

Responsibilities under the Act

- 2.11 The Act has introduced a new licensing regime for commercial gambling to be conducted by the Gambling Commission and by Licensing Authorities.
- 2.12 The Gambling Act 2005 establishes each District and borough council as a Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under section 6 of the Licensing Act 2003. Rochford District Council is the Licensing Authority for the Rochford District.
- 2.13 The Gambling Commission are responsible for issuing operator’s and personal licences to persons and organisations who:
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - act as intermediaries for betting;
 - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling software; or
 - promote a lottery.
- 2.14 The Licensing Authority is responsible for a number of functions including:
- The issue of premises licences in respect of premises where gambling activities are to take place.
 - The issue of provisional statements.
 - The issue of club gaming permits and/or club machine permits to members’ clubs and miners’ welfare institutes.
 - The issue of club machine permits to commercial clubs.
 - The issue of permits to unlicensed family entertainment centres for the use of certain lower stake gaming machines.
 - The issue and regulation of gaming and gaming machines in alcohol licensed premises.
 - The registration of small society lotteries.

- The issue of prize gaming permits.
- The receipt and endorsement of temporary use notices.
- The receipt of occasional use notices.
- The provision of information to the Gambling Commission about licences issued (see section 13 on information exchange).
- The keeping of registers of the permits and licences issued under these functions.
- The exercise of its powers of compliance and enforcement under the 2005 Act in partnership with the Gambling Commission and other relevant responsible authorities.

NB It should be noted that the Licensing Authority's functions do not include matters concerning the National Lottery, Remote Gambling or Spread Betting.

- 2.15 Applications must be determined in a manner that is reasonably consistent with the licensing objectives.
- 2.16 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as it thinks it to be:
- consistent with the Codes of Practice,
 - consistent with Guidance issued by the Commission,
 - reasonably consistent with the Licensing Objectives,
 - in accordance with their Statement of Policy.
- 2.17 Before the Licensing Authority can consider an application for a premises licence an operator's licence must have been obtained or applied for from the Gambling Commission.

Delegation

- 2.18 With the exception of the approval and review of its Statement of Licensing Policy and any other matters prescribed, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making.
- 2.19 Appendix C contains a table setting out delegations in respect of how the Licensing Authority intends to discharge its various functions.

Statement of Licensing Policy

- 2.20 The Licensing Authority is required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions.

- 2.21 The statement must be published at least every 3 years and must also be reviewed periodically and, where appropriate, amended.
- 2.22 The Licensing Authority will consult with those groups mentioned in paragraph 1.5 above prior to amending any part of the policy and in preparing its Statement of Licensing Policy for each future 3-year period.

Approval of Policy

- 2.23 This Statement of Licensing Policy was approved at a meeting of the full Council on ~~18 December 2012~~ and takes effect on ~~31 January 2013~~. **31 January 2016**
- 2.24 Any comments concerning this statement should be sent via e-mail to **licensing@rochford.gov.uk** or by letter to the ~~address shown at paragraph 1.7.~~ **Licensing Unit, Rochford District Council, South Street, Rochford, Essex SS4 1BW**
- 2.25 This statement will not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merit and according to the requirements of the Gambling Act 2005.
- 2.26 The policy can be viewed at the Council's offices or on the Council's website on **www.rochford.gov.uk**

Declaration

- 2.27 In producing this Statement of Licensing Policy, 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 under the Act and any responses from those consulted on the policy statement.
- 2.28 The Licensing Authority recognises its diverse responsibility under equality legislation and will monitor the impact of their statutory duties through the Council's Equalities & Diversity Policy.

Disclaimer

- 2.29 Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of Rochford District Council's Statement of Licensing Policy (Gambling Act 2005). Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or of the Guidance or Regulations issued under the Act.

Responsible Authorities

- 2.30 The Gambling Act 2005 prescribes the Responsible Authorities that have statutory functions or are considered to be statutory consultees under the Act.

- 2.31 The Licensing Authority is required to designate in writing a body that is competent to advise it about the protection of children from harm. The Authority have applied the following considerations in discharging its responsibility:
- the competency of the body to advise the Licensing Authority;
 - 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 invested interest group etc.
- 2.32 The Licensing Authority designates the Essex County Council Children's Safeguarding Service for this purpose.
- 2.33 Appendix D contains the contact details of all the Responsible Authorities under the Gambling Act 2005.

Interested Parties

- 2.34 Interested Parties can make representations about licensing applications or apply for a review of an existing licence.
- 2.35 The principles the licensing authority will apply to determine whether a person is an interested party are that:
- each case will be decided upon its merits;
 - the authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the Gambling Commission's guidance for local authorities,
 - the authority will also consider the Gambling Commission's guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 2.36 A person is an Interested Party in relation to an application for or in respect of a Premises Licence if, in the opinion of the Licensing Authority the person:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - (b) has business interests that might be affected by the authorised activities, or
 - (c) represents persons who satisfy paragraphs (a) or (b).
- 2.37 Interested Parties can be persons who are democratically elected such as District and parish councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties.

- 2.38 District councillors who are members of the Licensing Committee will not qualify to act in this way.
- 2.39 This Authority will generally require written evidence that a person is authorised to represent an Interested Party.
- 2.40 The Licensing Authority considers that Trade Associations, Trade Unions and Residents and Tenants Associations qualify as Interested Parties where they can demonstrate that they represent persons in paragraph 2.35 (a) or (b).
- 2.41 This authority will not however generally view these bodies as Interested Parties unless they have a member who can be classed as an Interested Party.
- 2.42 In determining if a person lives or has business interests sufficiently close to the premises that are likely to be affected by the authorised activities the Licensing Authority will consider the following factors:
- The size of the premises.
 - The nature of the premises.
 - The distance of the premises from the location of the person making the representation.
 - The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment).
 - The nature of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
 - The catchment area of the premises (i.e. how far people travel to visit).
 - Whether the person making the representation has business interests that might be affected in that catchment area.

Considerations in Licensing of Premises

- 2.43 The Licensing Authority will consider whether the grant of a licence or permit will result in issues of crime and disorder or exposing children or vulnerable adults to harm or of being exploited by gambling.
- 2.44 ~~In considering applications, the Council will particularly take into account evidence of measures, which might include:~~ **Gambling operators are undertake a local risk assessment for the premises as part of the application process made make this available to the authority this will include the following:**
- the procedures in place to conduct age verification checks and/or a proof-of-age scheme, where premises are subject to age restrictions;
 - physical security features in the premises, e.g. the position of cash registers, CCTV installation;

- the design and layout of the premises, including physical separation of areas and location of entrances/entry points;
- door supervision and supervision of entrances/entry points and machine areas;
- training given to staff appropriate to the premises;
- notices or signage;
- specific opening hours.
- **Demonstrate how the Operator will regard local risks and concerns and protect local vulnerable groups**

- 2.45 As regards to the protection of vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, help line numbers for organisations such as GAMCARE, will be considered.
- 2.46 ~~The list above is neither mandatory nor exhaustive and is merely indicative of example measures.~~
- 2.47 The Licensing Authority will give favourable consideration to licence applications resulting from re-siting of premises within the same locality and extensions in order to enhance the quality of facilities provided but this is without prejudice to the determination of any planning application that may be required.
- 2.48 Appendix G contains further information on premises licences, the application process and additional documentation the Licensing Authority requires in determining the application.

Door Supervisors

- 2.49 Any person that is employed as a door supervisor at any premises, other than those employed in-house in a casino or bingo hall has to be licensed by the Security Industry Authority.

Moral Objections/Unmet Demand

- 2.50 Moral objections to gambling are not a valid reason to reject applications for premises licences and unmet demand is not a criterion for a Licensing Authority to consider.

Location

- 2.51 The question of where a premises is located will only be considered by the Authority within the context of the licensing objectives and each application will be decided on its own merit.

Exchange of Information

- 2.52 In its exchange of information with parties listed in schedule 6 of the Act the Licensing Authority will have regard to:

- the provisions of the Gambling Act 2005, which includes the provision that the Data Protection Act 1998 will not be contravened;
- the guidance issued by the Gambling Commission;
- the Data Protection Act 1998;
- the Human Rights Act 1998;
- the Freedom of Information 2000;
- the Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- the Electronic Communications Act 2000
- Computer Misuse Act 1990
- Criminal Procedure and Investigations Act 1996
- Crime and Disorder Act 1998.

2.53 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail of:

- record of data disclosed;
- project chronology; and
- notes of the meeting with other partners and recent correspondence from phone calls.

Licensing Register

2.54 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

Enforcement

2.55 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice as promulgated by the Better Regulation Executive and the Hampton/McCory Reviews will endeavour to be:

- Proportionate – intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – rules and standards must be joined up and implemented fairly.

- Transparent – enforcement should be open and keep regulations simple and user friendly.
- Targeted – enforcement should be focused on the problems and minimise side effects.

- 2.56 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible and adopt a risk based inspection programme.
- 2.57 Where a single point of contact has been supplied by the operator of a number of premises within Rochford District, the Authority will endeavour to contact that person first in respect of any enforcement issues that might arise.
- 2.58 The main enforcement and compliance role of the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences, Permits and Registrations that it issues.
- 2.59 The Gambling Commission is the enforcement body for Operator and Personal Licences and for concerns about the manufacture, supply or repair of gaming machines.
- 2.60 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.
- 2.61 The Licensing Authority's enforcement/compliance protocols and written agreements and details of the risk-based approach to inspection will be available by contacting the Licensing Section, Rochford District Council,
3–19 South Street, Rochford, SS4 1BW, telephone 01702 318036/58 or by email to:
licensing@rochford.gov.uk

3 Premises Licences

- 3.1 Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions or to attach others, where it is thought appropriate.
- 3.2 Licensing Authorities are required by the Gambling Act to aim to permit the use of premises for gambling so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the Authority's Statement of Licensing Principles.

Definition of Premises

- 3.3 A premise is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of the building can be properly regarded as being separate premises which will always be a question of fact in the circumstances that will be considered in light of guidance issued by the Gambling Commission.
- 3.4 The Authority does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 3.5 Where applications are submitted for multiple licences for a building or for a specific part of a building to be licensed, the Authority expects that entrances and exits from a part or parts of a building covered by one or more licences should be separate and identifiable. This is to ensure a separation of different premises and that people do not 'drift' into a gambling area from another area that is not.
- 3.6 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises, which themselves may be licensed or unlicensed, and will consider, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act.
- 3.7 In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would or should be prohibited under the Act.

Duplication with other Regulatory Regimes

- 3.8 Duplication with other statutory/ regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded Planning or Building Control consent, in its consideration of it.

Premise Licence Conditions

- 3.9 Any conditions attached to premises licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 3.10 Decisions upon individual conditions will be made on a case-by-case basis. Consideration will be given to using control measures, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. should there be a perceived need. Applicants will also be expected to offer their own suggestions as to the way in which the licensing objectives can be effectively met.
- 3.11 The Licensing Authority will not refuse an application for a premises licence where relevant objections can be dealt with by use of appropriate conditions.
- 3.12 For buildings subject to multiple premises licences, the Licensing Authority will consider specific measures that may be required, such as:
- the supervision of entrances;
 - segregation of gambling from non-gambling areas frequented by children; and
 - the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.
- 3.13 It is noted that the Licensing Authority cannot attach conditions to premises licences that:
- makes it impossible to comply with an Operating Licence condition;
 - relate to gaming machine categories, numbers or method of operation;
 - provide that membership of a club or body be required;
 - relate to stakes, fees or winning of prizes.

Provisional Statements

- 3.14 The Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with Planning or Building Law.

Casinos

- 3.15 As provided by section 166 of the Gambling Act 2005, the Licensing Authority has resolved not to issue casino premise licences for the 3-year duration of this policy.
- 3.16 This decision was taken following consideration of the current regulations in respect of casino licences, the government criteria for authorities to issue such licences and responses to the consultation process carried out in preparation of this policy.
- 3.17 This matter will continue to be reviewed as part of the on-going review process of the Statement of Licensing Policy.

Casinos and Competitive Bidding

- 3.18 The Licensing Authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino there are likely to be a number of operators which will want to run a casino.
- 3.19 If such situations arise in the future, this Authority will run a competition in line with Regulations and Codes of Practice issued under the Gambling Act 2005 by the Secretary of State.

Bingo Premises

- 3.20 Bingo premises are not generally age-restricted, although certain areas within them may be, e.g. where machines of category C or above are situated.
- 3.21 The Licensing Authority will consider any further guidance to be issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

Door Supervisors

- 3.22 The Licensing Authority requires any person employed at a casino or bingo premises as a door supervisor ~~to hold the BHAB Level 2 National Certificate for Door Supervisors or an approved qualification accredited by the Department for Culture, Media & Sport~~ **must hold a current licences granted under the Private Security Industry Act 2001. (SIA)**

Credit and Cash Dispensers

- 3.23 Credit facilities are prohibited from being provided.
- 3.24 Cash machines may be installed in licensed premises but the Licensing Authority may apply conditions on their siting where they are installed in ~~casinos or bingo~~ premises.

Betting Offices and Machines

- 3.25 The Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence ~~or, where applicable, to a Casino Premises Licence.~~
- 3.26 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority will consider:
- each application its own merit;
 - the size of the premises;
 - the number of counter positions available for person to person transactions;
 - the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
 - evidence that such machines have been or are likely to be used in breach of licensing objectives;
 - the relevant Codes of Practice or Guidance issued under the Gambling Act 2005 by the Secretary of State.
- 3.27 In addition, details of GAMCARE and the facilities offered, will be included in the appendices to the policy, on the Council's website and also made available in Council reception areas.

Tracks

- 3.28 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 3.29 The licensing authority will consider the need to ensure that entrances to each type of premises are distinct and that children are prevented from entering gambling areas where they are not permitted.

Adult Gaming Centres and Family Entertainment Centres

- 3.30 The Licensing Authority will consider the need to apply appropriate conditions in respect of delineating any area containing category C machines from other forms of amusement.

Representations and Reviews

- 3.31 Responsible Authorities (including the Licensing Authority) and Interested Parties may make representations in respect of applications for the grant or variation of a premise's licences and may apply for review of a premises licence.
- 3.32 For the purposes of exercising the Licensing Authority's discretion, the persons authorised to make representations and apply for reviews of a premises licence are:
- Members of the Licensing Authority, other than Members of the Licensing Committee, and
 - the staff of the Council's Licensing Unit.
- 3.33 The Licensing Authority may determine that a representation:
- is frivolous or vexatious,
 - will certainly not influence the Authority's determination of the application or review or wish to alter/revoke/suspend the licence.
- 3.34 The Licensing Authority may reject an application for review of a premises licence if they determine the grounds for the review:
- do not raise a relevant issue to the principles contained in paragraphs 2.1 – 2.10 above;
 - are frivolous or vexatious;
 - will certainly not cause the Authority to alter/revoke/suspend the licence;
 - are substantially the same as representations made in respect of the application for the premises licence.
- 3.35 There is no appeal against the Authority's determination of the relevance of a representation or an application for review.
- 3.36 Appendix E contains further information on making representations and applying for reviews of premise's licences.

Travelling Fairs

- 3.37 ~~It will fall to this Licensing Authority to decide if the statutory requirements that the facilities for gambling amount to no more than an ancillary amusement at the fair is met where Category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs.~~ **No authorisation is required for a travelling fair as there is no limit on category D machines.**
- 3.38 The Licensing Authority will also consider if the applicant falls within the statutory definition of a travelling fair.

- 3.39 It should be noted that the statutory maximum of 27 days for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held regardless of whether or not it is the same travelling fair occupying the land.
- 3.40 Where the 27-day statutory limit is exceeded, a TUN will have to be issued or Premises Licence applied for, as appropriate.
- 3.41 This Licensing Authority will work with our neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

4 Gaming Machine Permits

Unlicensed Family Entertainment Centre Gaming Machine Permits

- 4.1 A premises licence is unnecessary in respect of premises where gaming machines of category D only are to be provided. In such cases an application may be made to the Licensing Authority for a permit but the Authority has to be satisfied that the premises will be wholly or mainly used for making gaming machines available for use.
- 4.2 The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.
- 4.3 Where the Licensing Authority intend to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

Statement of Principles

- 4.4 The Licensing Authority will specifically have regard to those matters contained within section 2, paragraph 2.43–2.46 concerning matters to be considered in licensing of premises.
- 4.5 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 4.6 The efficiency of such policies and procedures will be considered on their merits and may, for example, include such measures as:
- ~~CRB~~ Criminal Record Check from Disclosure and Barring (DBS) checks for staff;
 - staff training in how to deal with suspected truant school children, or unsupervised, very young children on the premises, or children causing perceived problems on/around the premises.
- 4.7 The licensing authority will also expect that:
- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
 - the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - staff is trained to have a full understanding of the maximum stakes and prizes.
- 4.8 Appendix H contains further information on unlicensed family entertainment centres, the application process and additional documentation the Licensing Authority requires in determining the application.

(Alcohol) Licensed Premises Gaming Machine Permits

- 4.9 A permit under this section cannot be issued in respect of premises for which a premises licence under the Gambling Act 2005 has been granted.
- 4.10 The holder of a premises licence under the Licensing Act 2003 that authorises the sale and consumption of alcohol on premises, which contain a bar at which alcohol is served but without the requirement that food is also served, is automatically entitled to operate two gaming machines of categories C or D.
- 4.11 In order to do so they must first notify the Licensing Authority of their intention to do so and pay the prescribed fee.
- 4.12 It should be noted that those restaurants that did not seek to remove the restriction on the sale of alcohol with food that applied if they had a restaurant licence under the Licensing Act 1964, will not qualify to an automatic entitlement to gaming machines.
- 4.13 Where a permit has been issued under section 34 of the Gaming Act 1968, the licence-holder must notify the Licensing Authority at least 2 months prior to its date of expiry.
- 4.14 The Licensing Authority may issue licensed-premises gaming machine permits authorising the use of any number of categories C or D machines. In determining an application for an increase in the number of machines, the Licensing Authority will consider:
- the size of the premises;
 - the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
 - any documentary evidence, e.g. supporting statistical evidence providing details of usage, etc.;
 - each application on its own merits;
 - the Codes of Practice or Guidance issued under the Gambling Act 2005.
- 4.15 Once issued there is no requirement to renew a permit. An annual fee has to be paid.
- 4.16 Where the Licensing Authority intend to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.
- 4.17 The Licensing Authority may consider removing the automatic entitlement for a permit if:
- provision of the machines is not reasonably consistent with the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of the Act, e.g. machines have been made available other than in a way that complies with requirements concerning their location and operation;

- the premises are mainly used for gaming;
- an offence under the Gambling Act 2005 has been committed on the premises.

4.18 Where the Licensing Authority consider exercising their powers to remove the entitlement, the permit-holder must be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

4.19 Appendix H contains further information on gaming machines in alcohol-licensed premises, the application process and additional documentation the Licensing Authority requires in determining the application.

Prize Gaming Permits

4.20 Prize gaming is gaming in which the nature and size of the prize is not determined by the number of players or the amount paid or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes. (Note: bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission.)

4.21 Prize gaming may be carried on in premises under a permit issued by the Licensing Authority.

4.22 The Licensing Authority may refuse an application on the grounds that its grant or renewal would not be reasonably consistent with the pursuit of the licensing objectives.

4.23 In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

4.24 Where the Licensing Authority intend to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

Statement of Principles

4.25 The Licensing Authority will specifically have regard to those matters contained within section 2, paragraph 2.43–2.46 concerning matters to be considered in licensing of premises.

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

4.27 The efficiency of such policies and procedures will be considered on their merits and may, for example, include such measures as:

- ~~CRB checks~~ **Criminal Record Check from Disclosure and Barring (DBS)** for staff;
- staff training in how to deal with suspected truant school children, or unsupervised, very young children on the premises, or children causing perceived problems on/around the premises.

4.28 The Licensing Authority also expects that applicants:

- set out the type/s of gaming that it is intended to be offered;
- demonstrate a full understanding of the maximum stakes and prizes of the gaming that is permitted, and that staff receive appropriate training in relation to those matters;
- have no relevant convictions (those that are set out in Schedule 7 of the Act).

4.29 Appendix H contains further information on prize gaming, the application process and additional documentation the Licensing Authority requires in determining the application.

Club Gaming and Club Machine Permits

Members' Clubs and Miners' Welfare Institutes

4.30 Members' Clubs and Miner's Welfare Institutes may apply for either a Club Gaming Permit or Club Gaming Machine Permit.

4.31 Club Gaming Permits authorise the provision of equal-chance gaming, games of chance and a maximum of 3 gaming machines of category B4, C or D, equal chance gaming and other games of chance (as prescribed in regulations).

4.32 A Club Gaming Machine Permit enables the premises to provide a maximum of 3 gaming machines only, of category B3a, C or D.

Commercial Clubs

4.33 Commercial or proprietary clubs may only apply for a Club Gaming Machine Permit enabling the premises to provide a maximum of 3 gaming machines only, of category B4, C or D.

4.34 Premises that have work-based members' social clubs, but which may not be licensed to sell or supply alcohol, may apply for a permit. This type of premises includes, for example, those where machines are sited in works' canteens.

4.35 Before granting a permit to premises described in the preceding paragraph, the Licensing Authority will need to be satisfied that the premises meet the requirements of a members' club and that the majority of members are over 18 years of age.

4.36 Both categories of permits have effect for 10 years. An annual fee has to be paid on the anniversary of the permit's grant.

4.37 Appendix H contains further information on gaming in club premises, the application process and additional documentation the Licensing Authority requires in determining the application.

5 Temporary and Occasional Use Notices

Temporary Use Notices (TUN's)

- 5.1 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises.
- 5.2 The type of activity for which a TUN may be issued is determined by the Secretary of State. Currently, a TUN may only be issued in respect of Equal Chance Gaming.
- 5.3 A set of premises is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.
- 5.4 In considering whether a place falls within the definition of "a set of premises", the Licensing Authorities will consider, amongst other things, the ownership/ occupation and control of the premises.
- 5.5 The Licensing Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.
- 5.6 Appendix G contains further information on these notices

Occasional Use Notices (OUN's)

- 5.7 OUN's apply only to tracks, which can be any part of a premise on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.
- 5.8 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a betting premises licence for the track.
- 5.9 The Licensing Authority has very little discretion as regards these notices, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.
- 5.10 The Licensing Authority will, however, consider the definition of a "track" and whether the applicant is permitted to avail him/herself of the notice.
- 5.11 Appendix G contains further information on these notices.

6 Lotteries

- 6.1 A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or is exempt from such a licence.
- 6.2 There are 4 types of exempt lottery: -
- An Incidental Non – commercial Lottery
 - A Private Lottery
 - A Customer Lottery
 - A Small Society Lottery
- 6.3 A Small Society Lottery must be registered with the Licensing Authority.
- 6.4 Local authorities may promote a lottery for the benefit of the community under an operating licence issued by the Gambling Commission.
- 6.5 Appendix K contains further information concerning lotteries, generally, and requirements for registration.

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If you would like this information in large print, Braille or an alternative language, please phone 01702 546366.

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Disclaimer

The advice and guidance contained in these appendices is intended only to assist readers in consulting the policy and should not be interpreted as legal advice or as constituent of Rochford District Council's Statement of Licensing Policy (Gambling Act 2005).

Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or of the Guidance or Regulations issued under the Act.

Appendix A – Glossary of Terms

Admissible Representations	Representations submitted by a Responsible Authority or Interested Party
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A licensing officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:</p> <ul style="list-style-type: none">• Inspectors appointed under the Fire Precautions Act 1971;• Inspectors appointed under the Health and Safety at Work, etc. Act 1974;• Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995;• A person in a class prescribed in regulations by the Secretary of State.
Automated Roulette Equipment	Equipment that is either linked to a live game of chance, e.g. roulette, or plays live automated games, i.e. operates without human intervention.
Automatic Conditions	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
AWP machines	Amusement with Prizes Machines
BACTA	The British Amusement Catering Trade Association
Betting Intermediary	Someone who offers services via remote communication, such as the internet.
Betting Ring	An area that is used for temporary 'on course' betting facilities.
Betting Machine	A machine designed or adapted for use to bet on future real events (not a Gaming Machine).
Bingo	A game of equal chance.

Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	Regional, large, small, casinos permitted under transitional arrangements.
Casino Resolution	Resolution concerning whether or not to issue Casino Premises Licences.
Child	An individual who is less than 16 years old.
Christmas Day Period	The period of 24 hours from midnight on 24 December.
Club Gaming Machine Permit	A permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)
Club Gaming Permit	A permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.
Complex Lottery	<p>An arrangement where:</p> <ul style="list-style-type: none"> • Persons are required to pay to participate in the arrangement; • In the course of the arrangement, one or more prizes are allocated to one or more members of a class; • The prizes are allocated by a series of processes; and • The first of those processes relies wholly on chance.
Conditions	<p>Conditions to be attached to licences by way of:</p> <ul style="list-style-type: none"> • Automatic provision • Regulations provided by Sec. of State • Conditions provided by Gambling Commission • Conditions provided by Licensing Authority • Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated by the Licensing Authority either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Domestic Computer	One used for in a residential property for private, non-commercial purposes and is exempt from a Gaming Machine Permit.
Dual Use Computer	<i>Definition in forthcoming Regulations.</i> Exempt from a Gaming Machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
EBT	Electronic Bingo Ticket Minders consisting of electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> • Small Society Lottery (required to register with Licensing Authorities) • Incidental Non Commercial Lotteries • Private Lotteries • Customer Lotteries
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

Fixed Odds Betting	General betting on tracks.
Gaming	Prize gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming and where the prizes are determined by the operator before the play commences.
Gaming Machine	A machine used for gambling under all types of gambling activity, including betting on virtual events.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission dated April 2006.
Human Rights Act 1998	<p>Articles 1, 6, 8 and 10</p> <p>Article 1: Protocol 1 – The right to peaceful enjoyment of possessions</p> <p>Article 6: The right to a fair hearing</p> <p>Article 8: The right of respect for private and family life</p> <p>Article 10: The right to freedom of expression</p>
Inadmissible Representation	A representation not made by a Responsible Authority or Interested Party.
Incidental non-commercial lottery	A lottery that is run as an additional amusement at non-commercial events with tickets only sold and drawn during the event, such as a raffle at a dance, bazaar etc.
Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	<p>A person who in the opinion of the Licensing Authority:</p> <ul style="list-style-type: none"> • 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 above, including Trade Associations, Trade Unions, Residents and Tenants Associations where they can demonstrate that they represent such persons.

In determining if a person lives or has business interests sufficiently close to the premises, the following factors will be considered:

- The size and nature of the premises to be licensed.
- The distance of the premises from the location of the person making the representation.
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment).
- The nature of the complaint, i.e. not the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
- The catchment area of the premises (i.e. how far people travel to visit).
- Whether the person making the representation has business interests that might be affected in that catchment area.

Irrelevant Representations

Representations that are vexatious, frivolous or will certainly not influence the authority's determination of the application.

Large Lottery

Where the total value of tickets in any one lottery exceeds £20,000 or tickets in separate lotteries in one calendar year exceeds £250,000. This type of lottery requires an operating Licence from the Gambling Commission.

Licensed Lottery

Large society lotteries and lotteries run for the benefit of local authorities will require operating licences to be issued by the Gambling Commission.

Licensing Objectives

There are three objectives:

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

Live Gaming	Gambling on a live game as it happens.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	<p>Every lottery must have tickets for each chance:</p> <ul style="list-style-type: none"> • Identifying the promoting society; • Stating the price of the ticket, which must be the same for all tickets; • Stating the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and • Stating the date of the draw, or sufficient information to enable the date of the draw to be determined.
Mandatory Conditions	Conditions that must be attached to a Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Members Club	A club must have at least 25 members, be established and conducted 'wholly or mainly' for purposes other than gaming, be permanent in nature, not established to make commercial profit and controlled by its members equally.
Non-commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
Non-commercial society	A society established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or for any other non-commercial purpose other than that of private gain.
Occasional Use Notice	A notice that may only be issued in respect of a track, that permits betting on a track without the need for a Premises Licence and which only the person responsible for administration of events on the track or the occupier of the track may issue.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.

Off Course Betting	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting	Betting that takes place on a track while races are taking place.
Operating Licence	A licence issued by the Gambling Commission to permit individuals and companies to provide facilities for certain types of gambling, including remote or non remote gambling.
Permit	An authorisation issued by the Licensing Authority to provide gambling facilities where the stakes and prizes are low or gambling is not the main function of the premises.
Personal Licence	A licence issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling.
Pool Betting (Tracks)	Pool betting may only be offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
Premises	Any place' including anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water, a hovercraft or anything or any place situated on or in water. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	A licence issued by the Licensing Authority to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres where an operator's licence and personal licence have been issued by the Gambling Commission. A licence is restricted to one premise only but one set of premises may have separate licences issued in respect of different parts of the building.

Private Lottery

There are three types of private lottery:

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society.
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises.
- Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.

Prize Gaming

Gaming in which the nature and size of the prize is not determined by the number of players or the amount paid for or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes.

(**NB:** bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission; prize gaming does not include gaming by use of gaming machines.)

Prize Gaming Permit

A permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specific premises.

Provisional Statement

An application to the Licensing Authority in respect of premises that are:

- Expected to be constructed.
- Expected to be altered.
- Expected to acquire a right to occupy.

Relevant Representations

Representations that relate to the Gambling Licensing Objectives, the Gambling Commission's Guidance, the Codes of Practice.

Responsible Authorities

Public bodies for the area in which the premises are mainly or wholly situated:

- Licensing Authority in whose area the premise is partly or wholly situated
- Chief Officer of Police
- Fire & Rescue Service

- Planning Authority
- Environmental Health (related to pollution and harm to human health)
- Body competent to advise on protection of children from harm, i.e. Children & Young Peoples' Service
- Authority in relation to vulnerable adults
- Navigation Authority whose statutory functions are in relation to waters where a vessel is usually moored or berthed
- Environment Agency
- British Waterways Board
- Maritime & Coastguard Agency
- HM Revenue & Customs
- Gambling Commission

Simple Lottery

An arrangement where:

- Persons are required to pay to participate in the arrangement.
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and
- The prizes are allocated by a process which relies wholly on chance.

SWP

A Skills-with-Prizes machine

Skills with Prizes Machine

A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. SWP's are unregulated.

Small Lottery

Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

Small Society Lottery

A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Small Operations	Independent on course betting operators with only one or two employees or a bookmaker running just one shop.
Statement of Principles	Matters the Licensing Authority may publish in the Statement of Licensing Principles that they intend to apply when considering an applicant's suitability in applications for permits for unlicensed family entertainment centres and prize gaming.
Temporary Use Notice	A notice that may be issued in respect of a set of premises where there is no premises licence, but where a person or company holding an operating licence relevant to the proposed temporary use of premises wishes to use the premises temporarily for providing facilities for gambling.
Totalisator (Tote)	The only permitted operators of pool betting on horseracing tracks.
Track	A site where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Includes trains, aircraft, sea planes and amphibious vehicles other than hovercraft.
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything or part of any place situated on or in water.
Virtual Betting	Gambling by machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.
Vulnerable Persons	No set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
Young Person	An individual who is over 16 years of age but who is under 18 years of age

Appendix B – Consultees to Statement of Licensing Policy

All holders of premise's licences under Licensing Act 2003	All holders of betting office licences
All holders of permits for Amusement With Prizes machines	Association of British Bookmakers
British Beer & Pub Association	British Casino Association
Capitol Coins Limited (suppliers of gaming machines)	Castle Point & Rochford PCT
Churches Together	Citizens Advice Bureau
Claremont Automatics Limited (suppliers of gaming machines)	Club & Institute Union
Coral Group	Essex County Fire & Rescue Service
Essex County Libraries within the district	Essex Leisure Limited
Essex Police	Gamblers Anonymous
Gambling Commission	GamCare
GamesTec Leisure Limited (suppliers of gaming machines)	Head of Child Protection, ECC
HM Customs & Excise	Manager of Environmental Protection Unit, Rochford District Council
Head of Planning and Transportation Services, Rochford District Council	Ladbrokes Group
Leisure Link Limited	Parish Councils within the district
Responsibility in Gambling Trust	The Salvation Army
William Hill Limited	

Appendix C – Delegation of Functions

All functions are delegated to Officers except those shown below.

Matter to be dealt with	By whom	When
Setting of fees	Policy, Finance & Strategic Performance Committee Full Council	All cases
Application for grant or variation of a premises licence	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Application for grant of a provisional statement	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Application for transfer of premises licence	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Application for a provisional statement	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Application for review of premises licence	Licensing Sub-Committee	All cases
Determining relevance of a representation	Head of Environmental Services Assistant Director Legal Services	All cases
Licensing authority initiating a review of a premise licence	Head of Environmental Services Assistant Director Legal Services	All cases
Licensing authority making representations in respect of an application for grant or variation of a premise licence	Head of Environmental Services Assistant Director Legal Services	All cases
Issue of temporary use notice	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Issue of counter notice	Licensing Sub Committee	All cases except where statutory limit of 21 days/ year exceeded.

Matter to be dealt with	By whom	When
Grant or renewal of club gaming permit or club gaming machine permit	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Cancellation of club gaming permit or club gaming machine permit	Licensing Sub-Committee	All cases
Grant or renewal of a permit for gaming machines in alcohol-licensed premises	Licensing Sub-Committee	Where it is intended to refuse the application.
Increase in number of gaming machines in alcohol-licensed premises	Licensing Sub-Committee	Where it is intended to approve a lesser number of machines than applied for.
Grant or renewal of a permit for an Unlicensed Family Entertainment Centre	Licensing Sub-Committee	Where it is intended to refuse the application.
Grant or renewal of a permit for Prize Gaming	Licensing Sub-Committee	Where it is intended to refuse the application.

Appendix D – Responsible Authorities

**Rochford District Council:
Licensing Authority,
Planning,
Environment/Pollution**

Senior Licensing Officer
~~Head of Planning & Transportation Services~~
~~Environmental Services Manager~~
Assistant Director – Legal Services
Assistant Director – Community and Housing
Services

Rochford District Council
3 – 19 South Street
Rochford
Essex
SS4 1BW
Telephone 01702 318111

Police

Chief Officer of Police
Licensing Unit
~~Westcliff Police Station~~
~~Claremont Road~~
~~Westcliff-on-Sea~~
~~Essex SS0 7DX~~
Southend Police Station
Victoria Avenue
Southend on Sea
Essex SS2 6ES

Telephone 01702 423118

Fire

Chief Fire Officer
Southend & Rochford Community Command
Team
R/o Fire Station
Sutton Road
Southend-on-Sea
Essex SS2 5PX

Telephone 01702 614433

**Essex Children Safeguarding
Service**

Head of Child Protection
(Licensing Applications)
Essex County Council
PO Box 297
Chelmsford
Essex CM1 1YS

Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP
Telephone: 0121 230 6500

**Her Majesty's Commissioners
of Customs and Excise**

Greenock Accounting Centre
Custom House
Custom House Quay
Greenock
PA15 1EQ
Telephone: 01475 726331

Appendix E – Representations/Reviews/Hearings/Appeals

Who can make representations or seek reviews?

Only 'Interested Parties' and 'Responsible Authorities' may make 'relevant representations' in respect of applications made for the grant or variation of a Premises Licence and may seek a review of licences granted.

What are relevant representations?

'Relevant representations' generally fall into two categories – those in relation to an application for the grant or variation of a premise's licence and those for an application to review a premise's licence.

Representations will be relevant if they:

- relate to the promotion of the licensing objectives, the Statement of Licensing Principles, the Gambling Commission's Guidance or any Codes of Practice, and
- are made within the prescribed period and have not been withdrawn.

But representations will not be relevant if they relate solely to issues such as demand, planning, traffic congestion, public nuisance or fire. This list is not exhaustive and each case will be judged on its own merits. However it should be noted that there is no appeal against the Authority's determination of whether a representation is relevant, or not.

The table below lists those provisions about which representations may be made, by whom they may be made and the timescales within which they must be made.

Provision under which hearing is held	Period of time within which representations must be made	Persons who may make representations
Application for premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties
Application for a provisional statement	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties
Application to vary premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties
Application for transfer of premises licence	28 days of receipt of application.	Chief of police

Provision under which hearing is held	Period of time within which representations must be made	Persons who may make representations
Application for review of premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties
Counter notice to Temporary Use Notice*	14 days of receipt of temporary use notice.	Those bodies upon whom the notice must be served
Counter notice to Occasional Use Notice		Licensing authority

* It should be noted that the Licensing Authority **must** issue a counter notice where the use of the same premises under a Temporary Use Notice or Occasional Use Notice would exceed the permitted limits, which are 21 days per 12-month period in respect of TUN's and eight days per calendar year in respect of OUN's.

Reviews

The Licensing Authority must hold a hearing to review a premise's licence where an application is made in the prescribed form by a Responsible Authority or Interested Party seeking a review of the licence unless in the opinion of the Licensing Authority the grounds on which the review is sought:

- are not relevant to the licensing objectives, the Statement of Licensing Principles, the Gambling Commission's Guidance or any Codes of Practice,
- are frivolous, vexatious or will certainly not cause the authority to revoke, suspend, remove, amend or attach conditions to a licence,
- are identical or substantially similar to:
 - grounds in an earlier application for review made in respect of the same premises and already determined, or
 - representations considered by the Licensing Authority in granting the premises licence or certificate, or
 - representations which would have been considered except they were excluded representations following a provisional statement, and
 - (b) a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

It should be noted that there is no appeal against the Authority's determination of whether a representation is relevant, or not.

Hearings

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Use Notice.

Notices must be sent to each party informing them of the date of hearing at least 10 working days before the day of the hearing in respect of all applications except:

- (a) notices must be sent at least two working days before the day of the hearing for cancellation of an interim authority notice and counter notice to a temporary event notice following police objection, and
- (b) notices must be sent at least five working days before the day of the hearing for review of a premises licence following a closure order, determination of an application for conversion of an existing licence or club certificate and determination of an application by the holder of a justice's licence for the grant of a personal licence.

Copies of the representations must also be given to the applicant, the holder of the premises licence or the club, as appropriate.

The table below lists the provisions, the timescales within which hearings have to be held and the persons to whom notices must be given.

Provision under which hearing is held	Period of time in which hearing must be held	Persons to whom notices must be sent
Application for premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a provisional statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application to vary premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Persons who have made relevant representations.
Application for transfer of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of licence.
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Persons who have made relevant representations. Applicant.

Provision under which hearing is held	Period of time in which hearing must be held	Persons to whom notices must be sent
Counter notice following objection to temporary event notice	Seven working days beginning with the day after the end of the period for making representations.	The premises user. Chief of police

Appeals against Decisions

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court.

Appendix F – Fees— Rochford District Council's current fees are reviewed annually and published on the Council web site www.rochford.gov.uk

Licence Fees — Gambling Act 2005

Premises Type	Grant £	Annual fee £	Licence variation fee £	Licence transfer fee £	Licence re-instatement fee £	Provisional statement fee £
Regional casino	9750	9750	4875	4225	4225	9750
Large casino	6500	6500	3250	1397	1397	6500
Small casino	5200	3250	2600	1170	1170	5200
Tracks	1625	650	812	617	617	1625
Bingo club	2580	865	1290	885	885	2580
Adult gaming centres	1475	735	735	885	885	1475
Family entertainment centres	1475	550	735	700	700	1475
Betting offices	2210	520	1105	885	885	2210
Temporary Use Notice	325					

Permit Fees – Gambling Act 2005

	New Grant £	Variations £	Transfers £	Annual Maintenance £	Renewal £	Change of name £	Copy of permit £	Transitional Fee £**
FEC Gaming Machine	300				300	25	15	100
Small Society Lottery	40			20				
Club Gaming*	200 (100)	100		50	200 (100)	N/a	15	100
Club Gaming Machine*	200 (100)	100		50	200 (100)	N/a	15	100
Licensed Premises Notification (two machines or less)	50							
Licensed Premises Gaming Machine (more than two machines)	150	100	25	50		25	15	100
Prize Gaming	300				300	25	15	100

* Clubs with Club Premises Certificates - fees shown in brackets

** Applies to existing holders of permits/registrations under Gaming Act 1968 or Lotteries & Amusements Act 1976.

Appendix G – Premises Licences

This guidance covers only those aspects concerning the issue of premises licences, temporary use notices and occasional use notices that are the responsibility of the Licensing Authority; guidance on aspects dealt with by the Gambling Commission can be obtained via the following link www.gamblingcommission.gov.uk

A premise's licence is required for any premises where gambling activity is carried out of a type requiring personal and operator's licences to have been issued by the Gambling Commission.

An application may only be made by persons having the right to occupy the premises and who have, or have applied for, an operating licence allowing the proposed activities to be carried out. The premise's licence cannot be granted until the necessary operator's licence has been issued.

Premise's licences are issued by the Licensing Authority and are required for casinos, bingo premises, betting premises (including tracks and premises used by betting intermediaries) adult gaming centres and family entertainment centres providing Category C gaming machines.

A licence is restricted to one premise only. However one set of premises may have separate licences issued in respect of different parts of the building.

Licensing authorities are obliged to grant an application for a premise's licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Statement of Licensing Principles. Licence will be subject of mandatory and default conditions applied by regulations issued under the Act.

Premise's licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the licensing authority.

Bingo, Betting, Arcades (Adult Gaming Centres & Licensed Family Entertainment Centres)

~~New licences or permissions~~

~~Applicants wishing to operate before 1 September 2007 must apply for a licence or permission from the Licensing Authority before 27 April 2007.~~

~~Where the licence or permission is granted, it will be valid until 31 August 2007, after which the transitional arrangements will apply.~~

~~Applications made after 27 April 2007 must be made under Gambling Act 2005. Licences or permissions granted in respect of applications made after 27 April 2007 will have no effect before 1 September 2007.~~

~~Applicants wishing to commence operating on or after 1 September 2007 may apply from 1 January 2007 to the Gambling Commission for an operator's licence and from 31 January 2007 to the Licensing Authority for a premise's licence. The licences will have no effect before 1 September 2007.~~

Tracks

An operator's licence is not required from the Gambling Commission to operate a track but a premise's licence from the Licensing Authority is required. A number of premise's licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires operators to hold either a general betting operator's licence or a pool betting operating licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse-tracks) and by the premise's licence-holder (in relation to dog-tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of four machines of Categories B2 – D, may be operated at a track by the premise's licence-holder provided they hold a pool betting operator's licence (for siting and other special considerations in respect of gaming machines at tracks, see '*the Gambling Commission's guidance*' at www.gamblingcommission.gov.uk).

Betting machines may also be operated at tracks (see '*Betting machines*').

The licensing process is the same as for other premises described above.

Betting machines

Betting machines are used for accepting bets on live events such as racing, in place of making bets at a counter, e.g. in a betting shop or on a track. These machines are not classed as gaming machines. The Licensing Authority may impose a limit on the number of betting machines that may be used in conjunction with a premise's licence.

Gaming machine supply and repair

These activities require operator's licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at www.gamblingcommission.gov.uk).

Gaming machines in premises licensed under Gambling Act 2005

Premise's licences issued under the Gambling Act 2005 automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted (but see also '*Tracks*').

The Gambling Act 2005 introduced new classes of gaming machines, as shown in Figure 1 below. The category and number of machines that may be operated under a premise's licence are shown in Figure 2 below.

Fig. 1

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	2 £5	4000 £10,000 or where the prize value available thorough its use is wholly or partly determined by reference to use made of one or more sub –category B1 machines £20,000
B2	400 In multiples of £10	500
B3	4 £2	500 £500
B3a	£2	£500
B4	4 £2	250 £400
C	£1	70 £100
D non-money prize (other than crane grab machine)	30p 10p	8 £5
D non-money prize (other than a crane grab machine)	4 30p	50 £8
D Non money prize (Crane grab machine)	40p £1	5 £50
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	40p 20p	£15 (of which no more than £8 may be a money prize) £20 of which not more than £10 may be a money prize

Figure 2

	Machine Category						
Premises Type	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in Categories A to D, except for B3 within the total limit of 1250 (subject to table ratio)						
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in Categories B to D, within the total limit of 150 (subject to table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in Categories B to D, within the total limit of 80 (subject to table ratio)					
Pre-2005 Act casinos (no machine/ table ratio)		Maximum of 20 machines Categories B to D or C or D machines instead					
Betting premises and tracks occupied by Pool Betting		Maximum of four machines Categories B2 to D					
Bingo Premises				Maximum of four Category B3 or B4 machines 20% of total gaming machines which are available on the premises categories B3 or B4	No limit on Category C or D machines		

Adult gaming centre		Maximum of four Category B3 or B4 machines 20% of total gaming machines which are available on the premises categories B3 or B4	No limit on Category C or D machines
Family entertainment centre (with premises licence)			No limit on Category C or D machines
Family entertainment centres (with gaming machine permit)			No limit on Category C or D machines
Club machine permit or club gaming permit		Maximum 3 machines Members club – from cat B3a/B4/C/D Commercial clubs – from cat B4/C/D	
Alcohol licensed premises automatic entitlement			1 or 2 machines of cat C or D automatic upon notification to LA
Alcohol licensed premises game machine permit			Number as specified on permit
Travelling fair (no authorisation required)			No limit to D category D machines

Temporary Use Notices (TUN'S)

A TUN may only be issued by a person or company holding an operating licence relevant to the proposed temporary use of the premises and may be issued in respect of a 'set of premises' for a maximum of 21 days in any 12-month period. (NB A TUN may not be issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.

In considering whether a place falls within the definition of "a set of premises", the Licensing Authorities will consider, amongst other things, the ownership / occupation and control of the premises.

The Licensing Authority should generally aim to permit gambling activities under a TUN but will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

Issue

Not less than three months and one day prior to the day on which the gambling event is to take place, a TUN must be given to:

- the Licensing Authority,
- the police,
- HM Commissioners for Revenue and Customs, and, if applicable,
- any other licensing authority in whose area the premises are situated.

The notice must include details of:

- the date the notice is given,
- the gambling activity to be carried on,
- the premises where it will take place,
- the dates and times it will take place,
- any periods during the preceding 12 months that a TUN has had effect for the same premises, and
- any other information prescribed by regulations.

If there are no objections, the notice will be endorsed by the Licensing Authority and returned to the issuer for display upon the premises at the time the activity takes place.

Objections

Having regard to the licensing objectives, those authorities upon whom the TUN is served may make objections within 14 days of the date of the notice to the gambling activity taking place. Objections must be made to the Licensing Authority and TUN issuer.

Modifications to the notice may be suggested by those objecting to it. If accepted by the issuer, a new notice must be issued. It should be noted that the three months, one day time limit and a new fee will not apply to the new notice, nor may the original objector/s object to the new notice.

A hearing must be held before the Licensing Sub-Committee to hear representations from all parties, unless agreement is reached that a hearing is unnecessary, e.g. by modification of the notice, within six weeks of the date of the notice.

Following a hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities permitted, the time period when activities may take place and any conditions that are imposed.

Occasional Use Notices (OUN'S)

Occasional Use Notices may only be issued in relation to tracks that are used on eight days or less in a calendar year.

A track can be any part of a premise on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.

OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a betting premises licence for the track.

Issue

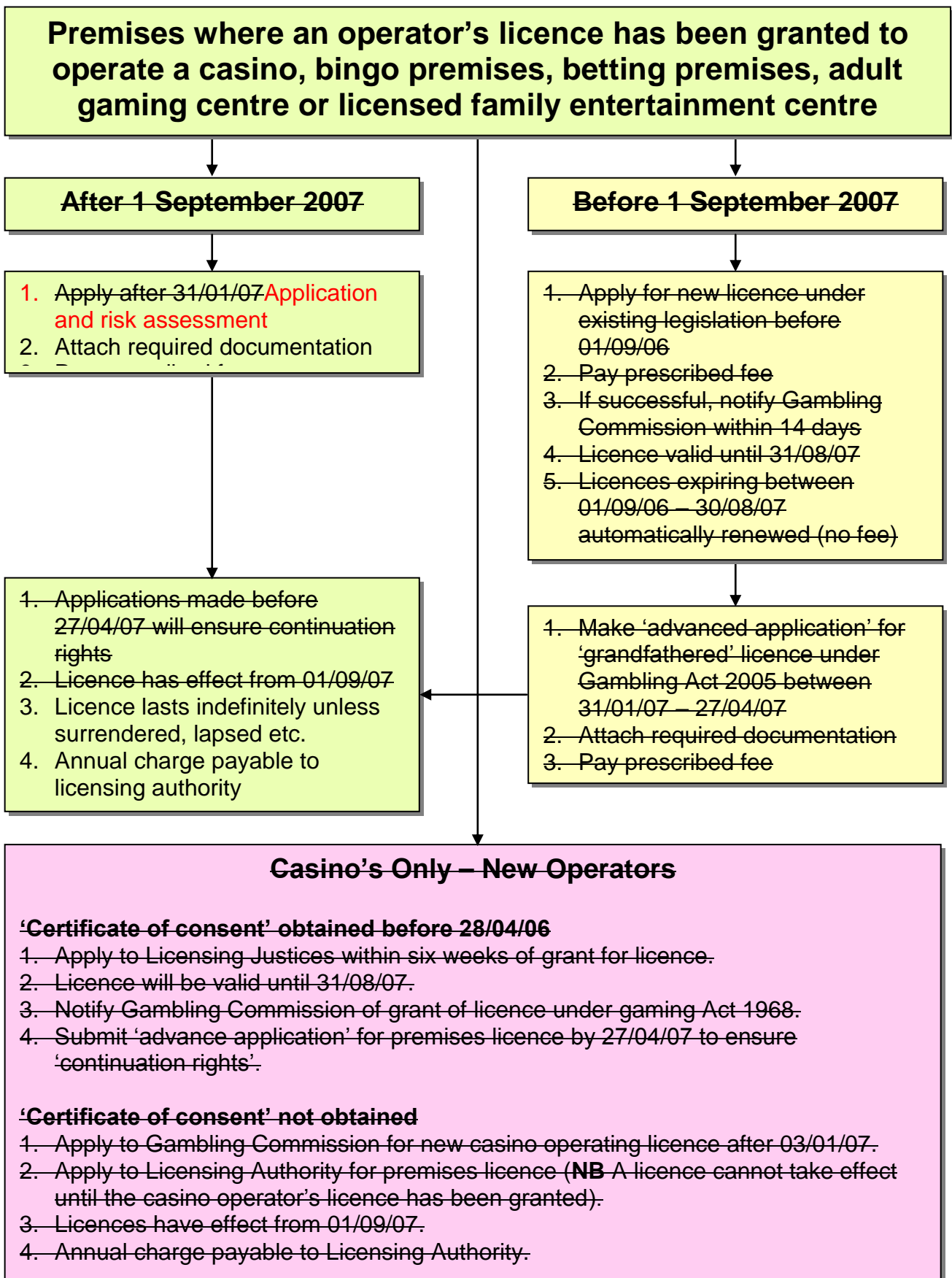
The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track.

The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.

Objections

Generally objections may not be made to the issue of an OUN, except the Licensing Authority must issue a counter notice where the effect of the OUN would result in betting facilities being made available for more than eight days in a calendar year.

Premises Licences



Appendix H – Gaming Permits

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by:

- Gaming machines in alcohol-licensed premises, member's clubs, unlicensed family entertainment centres (FEC's) and certain other premises, e.g. taxi offices (see '*Other premises*' below);
- Equal chance gaming, games of chance and gaming machines in member's clubs; and
- Prize gaming, e.g. at travelling fairs.
- Gaming machines

The Gambling Act 2005 introduced new classes of gaming machines that may be operated under a permit, as shown in Figure 1 below.

Figure 1

Category of machine	Maximum Stake £	Maximum Prize £
B3a	£2	500
B4	4 £2	250 £400
C	50p £1	25 £70
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

The category and number of machines that may be operated under a premise's licence are shown in Figure 2 below.

Figure 2

	Machine Category						
Premises Type	A	B1	B2	B3	B4	C	D
Clubs or miners' welfare institutes with permits					Maximum of three Category B4 to D machines		
Qualifying alcohol licensed premises upon notification					Automatic entitlement up to two Category C or D machines		
Qualifying alcohol licensed premises with gaming machine permit					Unlimited Category C or D machines, as specified on permit		
Family entertainment centre (with permit)							Unlimited Category D machines
Travelling fair							Unlimited Category D machines

Alcohol licensed premises

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

The holder of a premises licence under the Licensing Act 2003 that authorises the sale and consumption of alcohol on premises, which contain a bar at which alcohol is served but without the requirement that food is also served, is automatically entitled to operate two gaming machines of Categories C or D.

The following paragraphs apply only to those premises.

Automatic entitlement

The Gambling Act 2005 gives an automatic entitlement for the holder of a premise's licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a permit is not required but premise's licence-holders must notify their Licensing Authority in writing of their intention to provide the machines, and pay the prescribed fee. Having done so, there will be no need to give any further notice or pay a further fee.

Where the premise licence is transferred to another person, there will be no need for the new licence-holder to notify the Licensing Authority in respect of the automatic entitlement.

The entitlement may be withdrawn if provision of the machines is not reasonably consistent with the pursuit of the licensing objectives; gaming has taken place on the premises that has breached a condition of the Act, e.g. they do not comply with siting and operation requirements; the premises are mainly used for gaming; or where an offence under the Gambling Act 2005 has been committed on the premises.

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

New permits

Where the holder of a premise's licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

In determining an application for an increase in the number of machines, the Licensing Authority will consider:

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
- any documentary evidence, e.g. supporting statistical evidence providing details of usage, etc.;
- each application on its own merits;
- the Codes of Practice or Guidance issued under the Gambling Act 2005.

Where the Authority grants the application, a permit will be issued for the number of machines authorised, which will include the automatic entitlement of two machines.

Where the Authority intend to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary

Where the premise's licence is transferred, the gaming machine permit must also be transferred or it will lapse. In all other cases the permit will last indefinitely, unless surrendered or revoked.

Although the permit will not need to be renewed, an annual charge will have to be paid to the Licensing Authority.

Transitional arrangements

~~An application for a new permit or renewal of an existing permit before 1 September 2007 must be made to the Licensing Authority in the normal way under Section 34 of the Gaming Act 1968. The permit will be issued under that section whether or not the application has been determined by 1 September 2007.~~

~~A permit issued under Section 34 that is in force on 1 September 2007 will continue to have effect until its natural expiry date.~~

~~Where a 'Section 34 permit' for two or less machines expires after 1 September 2007, at least two months before its expiry the premise's licence holder must notify the Licensing Authority in writing of their intention to provide two (or less) machines and pay the prescribed fee.~~

~~Where a 'Section 34 permit' for more than two machines expires after 1 September 2007, the premise's licence holder must apply for a new permit at least two months before its expiry and pay the prescribed fee. A new permit must be issued for the same number of machines the previous permit authorised.~~

Member's clubs

The Gambling Act 2005 permits a member's club holding a club premise's certificate issued under the Licensing Act 2003, or miner's welfare institute, to hold a **club gaming permit** allowing participation in equal chance gaming or playing games of chance (see 'Appendix A' for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of three machines of either class B3a, B44, C or D.

The Act also permits a member's club holding a club premise's certificate or a commercial club holding a premise's licence under the Licensing Act 2003 to operate a maximum of three machines of either class B4, C or D under a **club machine permit**.

New permits

~~Applications for a permit for premises already holding a club premise's certificate are subject to a 'fast-track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.~~

~~An application under this process may be refused if the club is established primarily for gaming (other than that permitted); if in addition to the permitted gaming, facilities are provided for other gaming; or that a club machine permit issued to the applicant within the preceding 10 years has been cancelled.~~

An application and payment of the prescribed fee is required. A permit has effect for 10 years unless surrendered or revoked.

Applications for a permit for premises not holding a club premise's certificate e.g. a commercial member's club with a premise's licence, may be refused by the Licensing Authority on the grounds that the applicant does not fulfil the requirements for a member's or commercial club; the premises are used wholly or mainly by children and/or young persons; an offence under the Act or breach of a permit has

been committed by the applicant while providing gaming facilities; a permit held by the applicant has been cancelled in the previous 10 years; an objection has been made by the police or Gambling Commission.

Permits may be varied at any time to meet changing circumstances, other than an increase above three to the number of machines. Licensing authorities may only refuse a variation if, on consideration of the proposed variation as a new application, they would refuse a permit.

A permit will lapse if the holder no longer qualifies as a member's club or ~~no longer qualifies under the 'fast-track' system~~, or the permit is surrendered. A permit may be cancelled if the premises are used wholly or mainly by children and/or young persons or where an offence under the Act or breach of a permit condition has been committed by the applicant in the course of gaming activities.

Permits are valid for 10 years from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the licensing authority.

Transitional arrangements

~~An application for a new registration or renewal of an existing registration before 1 September 2007 must be made to the Licensing Justices in the normal way under Part 2 or 3 of the Gaming Act 1968. The Licensing Justices will deal with the application whether or not it has been determined by 1 September 2007.~~

~~A registration that is in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a club gaming permit or club machine permit irrespective of the type of registration previously held.~~

~~An application for a new club machine permit must be made at least two months before the existing registration expires together with the prescribed fee.~~

Other premises (taxi offices, take-away restaurants, etc.)

~~Premises holding a permit under Section 34 of the Gaming Act 1968 are prohibited from obtaining a new gaming machine permit under the Gambling Act 2005 and will be unable to operate gaming machines of any kind after their current permit expires.~~

Unlicensed family entertainment centres

The Licensing Authority may grant an application for a permit for Category D gaming machines in an unlicensed family entertainment centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

The Authority will apply its Statement of Principles in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the ~~Criminal Record Bureau~~ **Disclosure and Barring Service** in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the ~~CRB~~ **DBS** certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

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

Where the Authority intends to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Permits will last for 10 years unless it ceases to have effect because it is surrendered, it lapses or it is renewed. There is no annual charge payable to the Licensing Authority.

Unlicensed FEC's may also offer equal chance gaming under the authority of their gaming machine permit.

New permits

~~New applicants wishing to operate before 1 September 2007 must make an application to the Licensing Authority before 27 April 2007 under Section 34 of the Gaming Act 1968.~~

~~'Continuation rights' will apply provided an 'advance application' for a similar permit under the Gambling Act 2005 is made by 27 April 2007.~~

~~Applications for new permits to begin operating on or after 1 September 2007 may be made to the Licensing Authority from 31 January 2007. A permit will only have effect from 1 September 2007.~~

Prize gaming

Prize gaming may be carried on in premises under a permit issued by the Licensing Authority. A prize gaming permit will **not** authorise the use of gaming machines.

The Authority may apply its Statement of Principles in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Record Bureau **Disclosure and Barring Service** in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the **CRB DBS** certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

Where the Authority intends to refuse an application, the applicant must be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

A prize gaming permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

New permits

~~New applicants wishing to operate before 1 September 2007 must make an application to the Licensing Authority before 27 April 2007 under Section 16 of the Lotteries and Amusements Act 1976.~~

~~'Continuation rights' will apply provided an advance application for a similar permit under the Gambling Act 2005 is made by 27 April 2007.~~

~~Applications for new permits to begin operating on or after 1 September 2007 may be made to the Licensing Authority from 31 January 2007. A permit will only have effect from 1 September 2007.~~

Prize gaming without a permit

Prize gaming without a prize gaming permit may be carried on in any premises with a premise's licence issued under the Gambling Act 2005, except that casinos may not offer prize bingo.

Unlicensed FEC's may also offer equal chance gaming only, under the authority of their gaming machine permit.

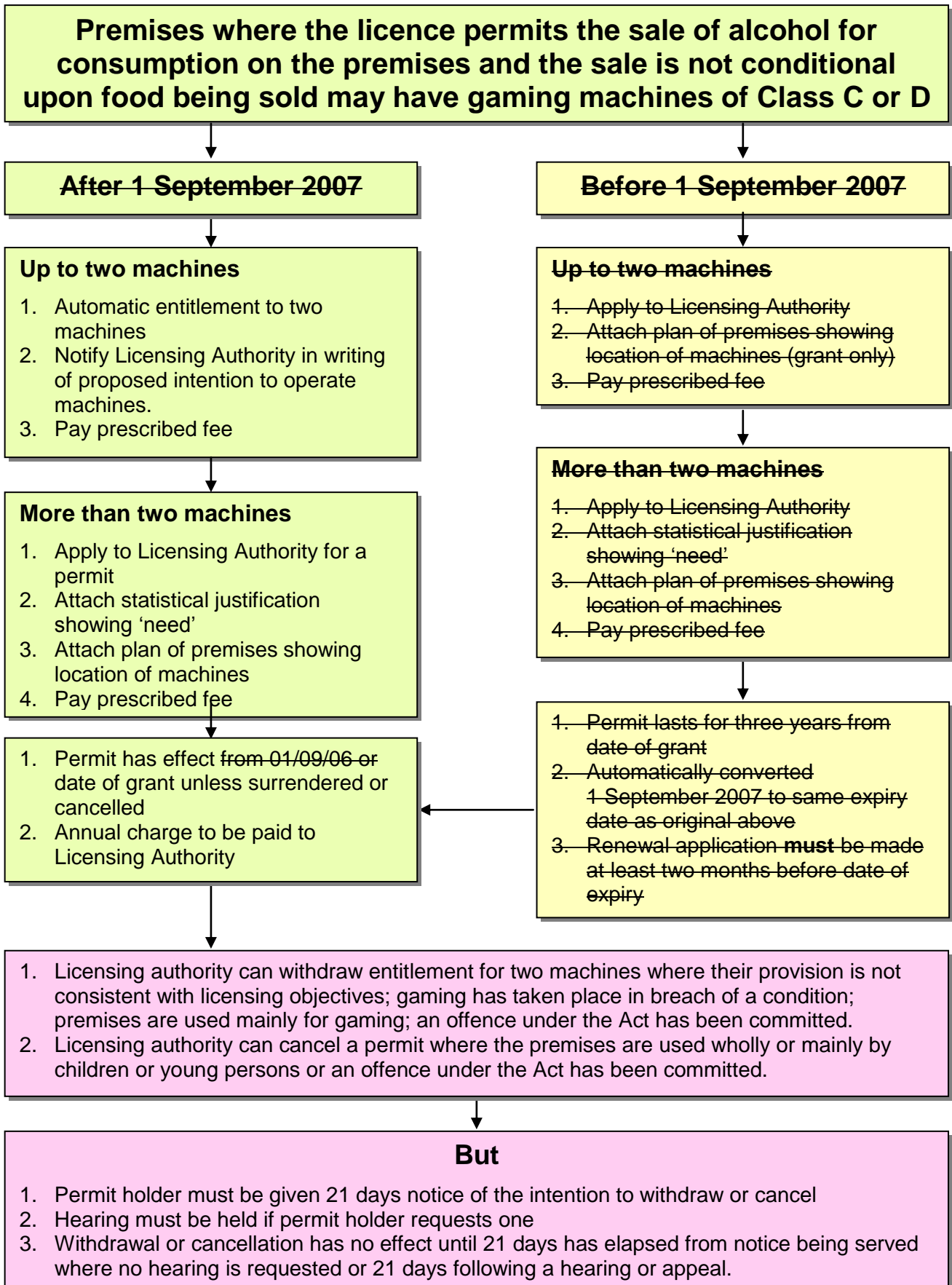
Travelling fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

Travelling fairs

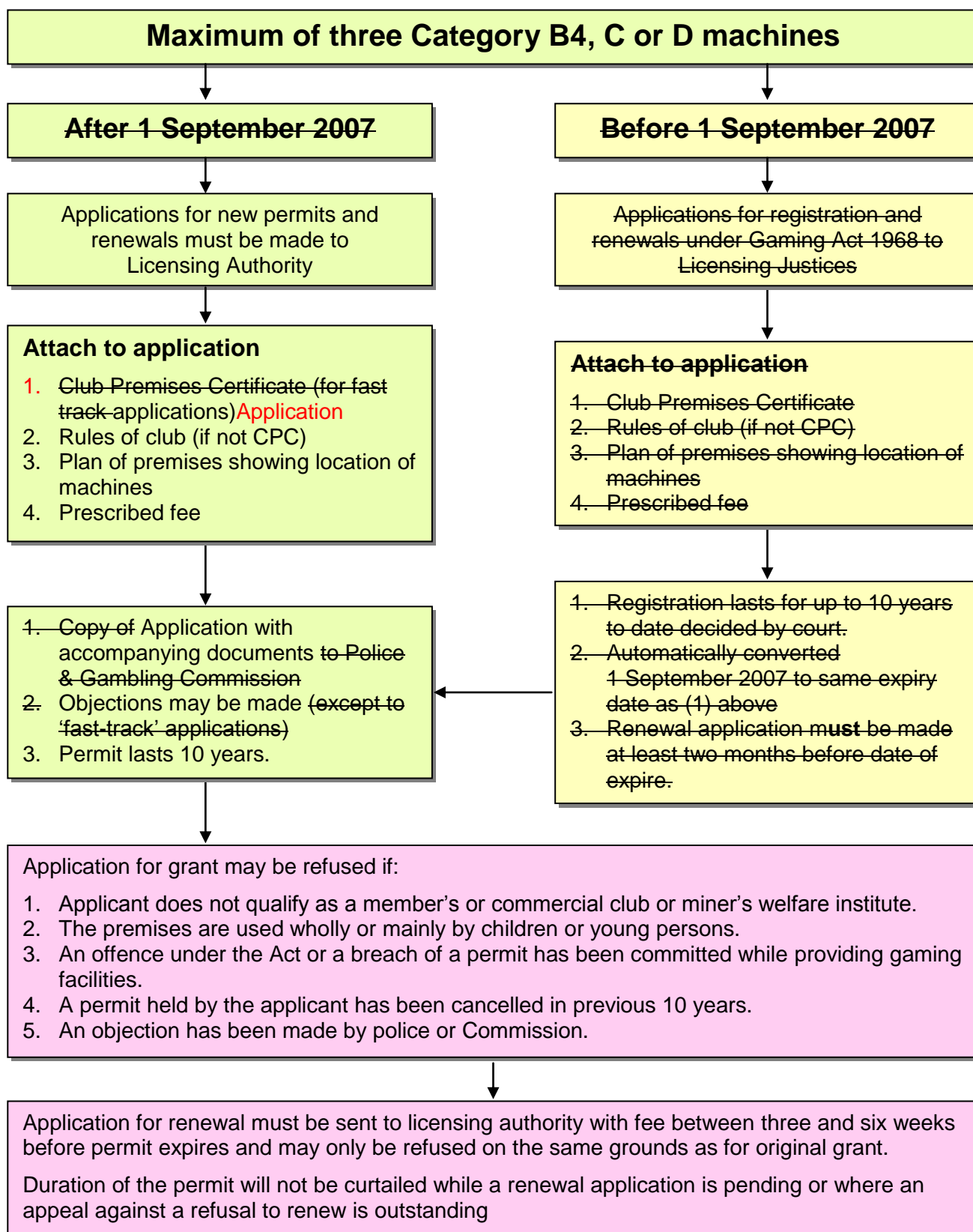
Travelling fairs do not require a permit to provide gaming machines but must comply with codes of practice on how they are operating.

Travelling fairs may provide an unlimited number of Category D machines and prize gaming in the form of equal chance gaming provided that facilities for gambling amount to no more than ancillary amusement at the fair.

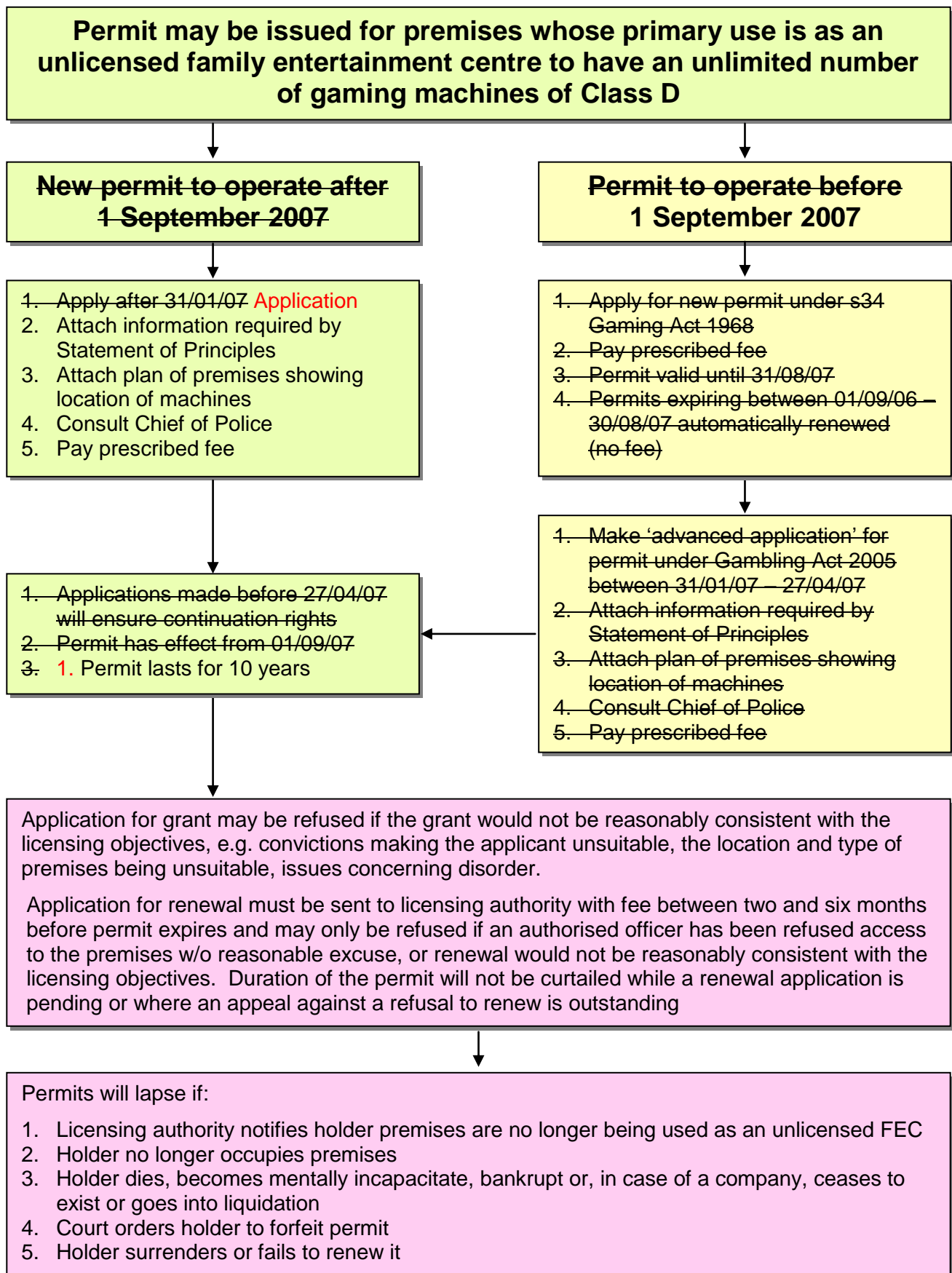
Alcohol Licensed Premises



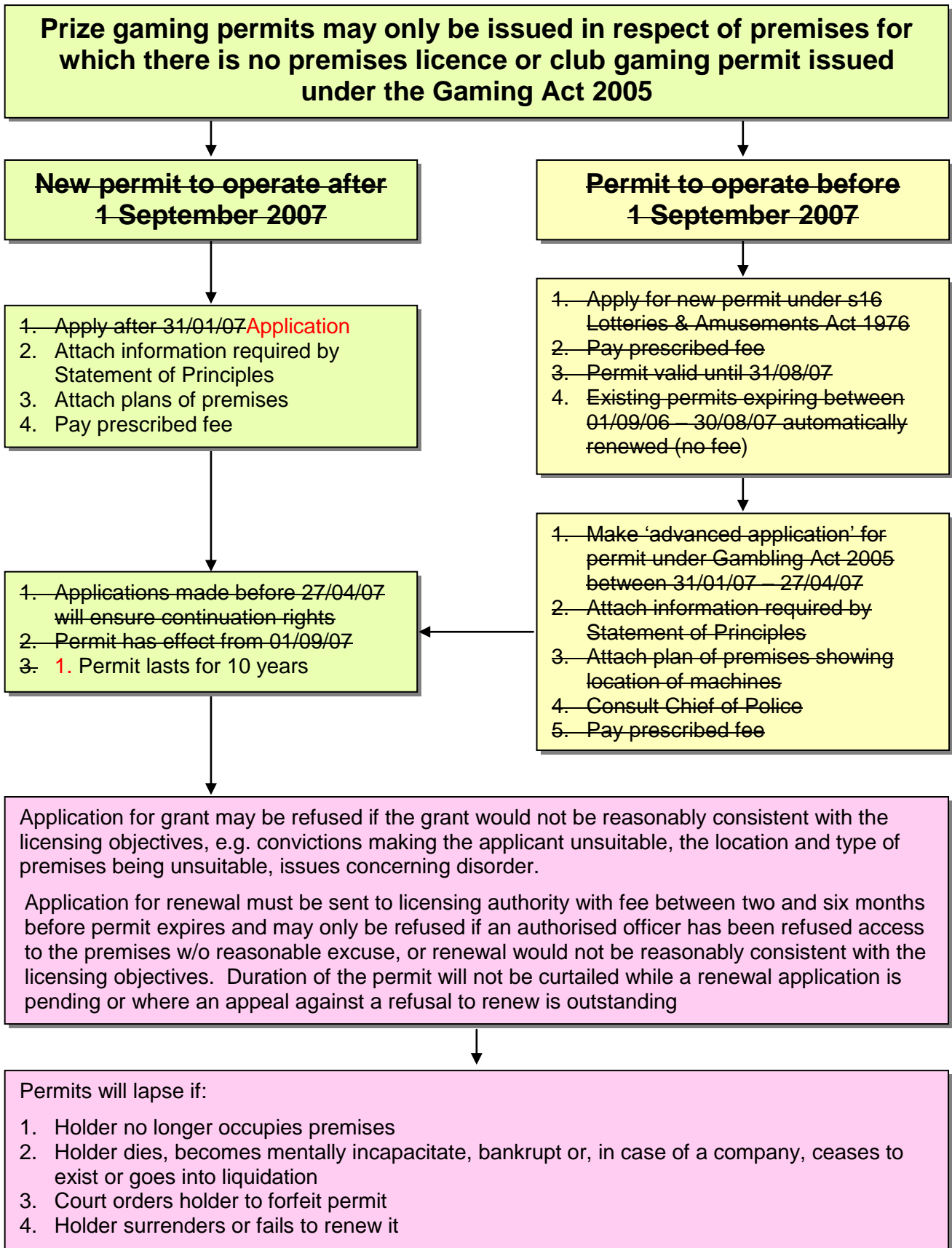
Member's Club



Unlicensed Family Entertainment Centre



Prize Gaming Permit



Appendix I – Machine Category

Premises Type	Machine Category						
	A	B1	B2	B3/A	B4	C	D
Regional casino (machine/table ratio 25-1)	Maximum of 1250 machines in any combination in Categories A, B1, B2, B3, B4, C or D (subject to table ratio)						
Large casino (machine/table ratio 5-1)		Maximum of 150 machines in any combination in Categories B1, B2, B3, B4, C or D (subject to table ratio)					
Small casino (machine/ table ratio 2-1)		Maximum of 80 machines in any combination in Categories B1, B2, B3, B4, C or D (subject to table ratio)					
Pre-2005 Act casinos		Maximum of 20 machines in any combination in Categories B1, B2, B3, B4, C or D					
Betting premises & tracks occupied by Pool Betting		Maximum of four machines in any combination in Categories B2, B3, B4, C or D					
Bingo Premises		Maximum of four machines in any combination in Categories B3 or B4 No limit on Category C or D machines 20% of total gaming machines which are available on the premises categories B3 or B4					
Adult gaming centre		Maximum of four machines in any combination in categories B3 or B4 No limit on Category C or D machines 20% of total gaming machines which are available on the premises categories B3 or B4					
Clubs & miners' welfare institutes with permits		Maximum of three Category B3A, B4, C or D machines					
Commercial clubs		Maximum of three Category B4, C or D machines					
Family entertainment centre (with premises licence)		No limit on Category C or D machines					
Qualifying alcohol licensed premises upon notification		Automatic entitlement up to two Category C or D machines					
Qualifying alcohol licensed premises with gaming machine permit		Unlimited Category C or D machines, as specified on permit					
Family entertainment centre (with FEC permit)		Unlimited Category D machines					
Travelling fair		Unlimited Category D machines					
Category of machine		Maximum Stake £		Maximum Prize £			
A		Unlimited		Unlimited			
B1		2		4000			
B2		100		500			
B3		1		500			
B3A		1		500			
B4		1		250-400			

C	1	70 100
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize
D Non Money prize (crane machine grab)	£1	£50
D Combined money and non money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D Combined money and non – money prize (coin pusher or penny falls machines)	10p	£15.00 (of which not more than £10 may be a money prize)

Appendix J – Gambling in Premises

Gaming (Premise Licence)

	Gaming machines (see Appendix I)	Casino games	Betting	Bingo	Virtual gaming	Games of chance other than casino games
Regional casino	Yes	Yes	Yes	Yes	Yes	Yes
Large casino	Yes	Yes	Yes	Yes	Yes	Yes
Small casino	Yes	Yes	Yes		Yes	Yes
Adult gaming centre	Yes					
Family entertainment centre	Yes					
Bingo premises	Yes			Yes		
Betting office	Yes		Yes		Yes	

Gaming Clubs

	Members' Club/ Commercial Club/ Miner's Welfare Institute (no Permit)	Members' Club/ Commercial Gaming Club (no Permit)	Members' Club/ Miner's Welfare Institute (Club Gaming Permit)	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' Club/ Commercial Club/ Miner's Welfare Institute (Club Gaming Machine Permit)	Pubs and other alcohol licensed premises
Equal chance gaming	Yes	Yes	Yes	Bridge and or whist only	Yes	Yes
Banker's/unequal chance gaming	No	No	Pontoon & Chemin de Fer	No	No	No
Stake & prize limits	Poker £1,000 per week £200 250 per day £10 per person, per game Other Gaming None, but expectation that it should be for low stakes	Poker £1,000 per week £200 250 per day £10 per person, per game Other Gaming None, but expectation that it should be for low stakes	None	None	Poker £1,000 per week £200 250 per day £10 per person, per game Other Gaming None, but expectation that it should be for low stakes	Poker £100 / premises per day Other gaming £5 / person per game Cribbage & dominoes No limit
Prize limits	Poker 250/game Other gaming No limit	Poker 250/game Other gaming No limit	No limit	No limit	Poker 250/game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participation fees per person per day	Bridge and/or Whist £18 per person	Bridge and/or Whist £18 per person	Bridge and/or Whist £18 20 per person	£20 per person £18 per person without a game machine permit	Bridge and/or Whist £18 per person	Not permitted

	Members' Club/ Commercial Club/ Miner's Welfare Institute (no Permit)	Members' Club/ Commercial Gaming Club (no Permit)	Members' Club/ Miner's Welfare Institute (Club Gaming Permit)	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' Club/ Commercial Club/ Miner's Welfare Institute (Club Gaming Machine Permit)	Pubs and other alcohol licensed premises
	Other Gaming £1 per person	Other Gaming £1 per person	Other Gaming £4 3 per person	£20 per person with a game machine permit	Other Gaming £3 per person for Commercial club £1 per person for members club	
Limits on bingo **	Maximum of £2000/week in stakes and prizes	Maximum of £2000/week in stakes and prizes	Maximum of £2000/week in stakes and prizes	No Bingo	Maximum of £2000/week in stakes and prizes	Maximum of £2000/week in stakes and prizes
Levies/deductions – stakes or prizes	No	No	No	No	No	No
Gaming machines	No	No	Three Cat B4, C or D	Three Cat B4, C or D	Three Cat B4, C or D	2 cat C or D machines automatic entitlement 3 or more cat C or D machines maximum stated on permit

** If more than the maximum, then an operating licence will be required

Gaming in Pubs

	With No Permit	With Licensed Premises Gaming Machine Permit
Equal chance gaming (whist, bingo, poker)	Yes	Yes
Unequal chance gaming (e.g. pontoon)	No	No
Stake and prize limits	Maximum of: (1) £5 per person per game (all types of gaming) (2) £500 per week and £100 per day (poker only)	Maximum of: (1) £5 per person per game (all types of gaming) (2) £500 per week and £100 per day (poker only)
Maximum participation fees	No	No
Levies/deductions – stakes or prizes	No	No
Gaming machines	Category C and/or D – maximum of two machines, subject to notification to the licensing authority	Category C and/or D – as many machines as approved by the licensing authority and specified in the permit

Appendix K – Lotteries

A lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on www.gamblingcommission.gov.uk

The Gambling Act 2005 defines three categories of lottery that are exempt from needing an operating licence:

- Incidental non-commercial lottery: run as an additional amusement at non-commercial events such as a raffle at a church bazaar, with tickets only being sold and drawn during the event.
- Private lottery: that require membership of a society, place of work or single place of residence.
- Customer lottery: run by occupiers of a business for the benefit of customers who can only buy tickets sold on the premises, e.g. a shop selling tickets for a Christmas hamper.
- Small society lottery: a lottery promoted on behalf of a non-commercial society, i.e. a lottery run by a society established and conducted for charitable purposes; or of enabling the participation in or support of sport, athletics or cultural activity; or for other non-commercial purposes other than private gain.

Registration

Only a small society lottery is required to be registered.

Applications and payment of the prescribed fee must be made by the promoting society to the licensing authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare:

the purposes for which the society is established,

- that they represent a bona fide non-commercial society, and
- that they have no relevant convictions.

The Licensing Authority may refuse an application if:

- they consider the applicant is not a non-commercial society,
- any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with an application is false or misleading.

An application shall be refused if an operating licence held or applied for by the applicant has been revoked or refused in the previous five years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intend to refuse an application or revoke the registration it will give the society:

- details of the reasons;
- evidence upon which it reached the decision; and
- the opportunity to make written and/or oral representations.

The Licensing Authority may cancel a registration where the prescribed annual fee is not paid by the society. Where it does so, the Authority must notify the society and the Gambling Commission as soon as reasonably practicable.

~~After 1 September 2007, an application for registration, with the prescribed fee, must be made to the Licensing Authority under the Gambling Act 2005. The registration will be valid indefinitely provided the prescribed annual fee is paid to the Licensing Authority within such period before the anniversary of the registration as may be prescribed.~~

Lottery requirements

To ensure the main purposes of the lottery are met:

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25000;
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

Returns

No later than three months after making the draw (or in the case of a rollover, the last draw), a return must be sent to the Licensing Authority that:

- has been signed by two members of the society over 18 years of age who are appointed for the purpose in writing by the society, or its governing body, if it has one,
- is accompanied by a copy of the member's letter of appointment,

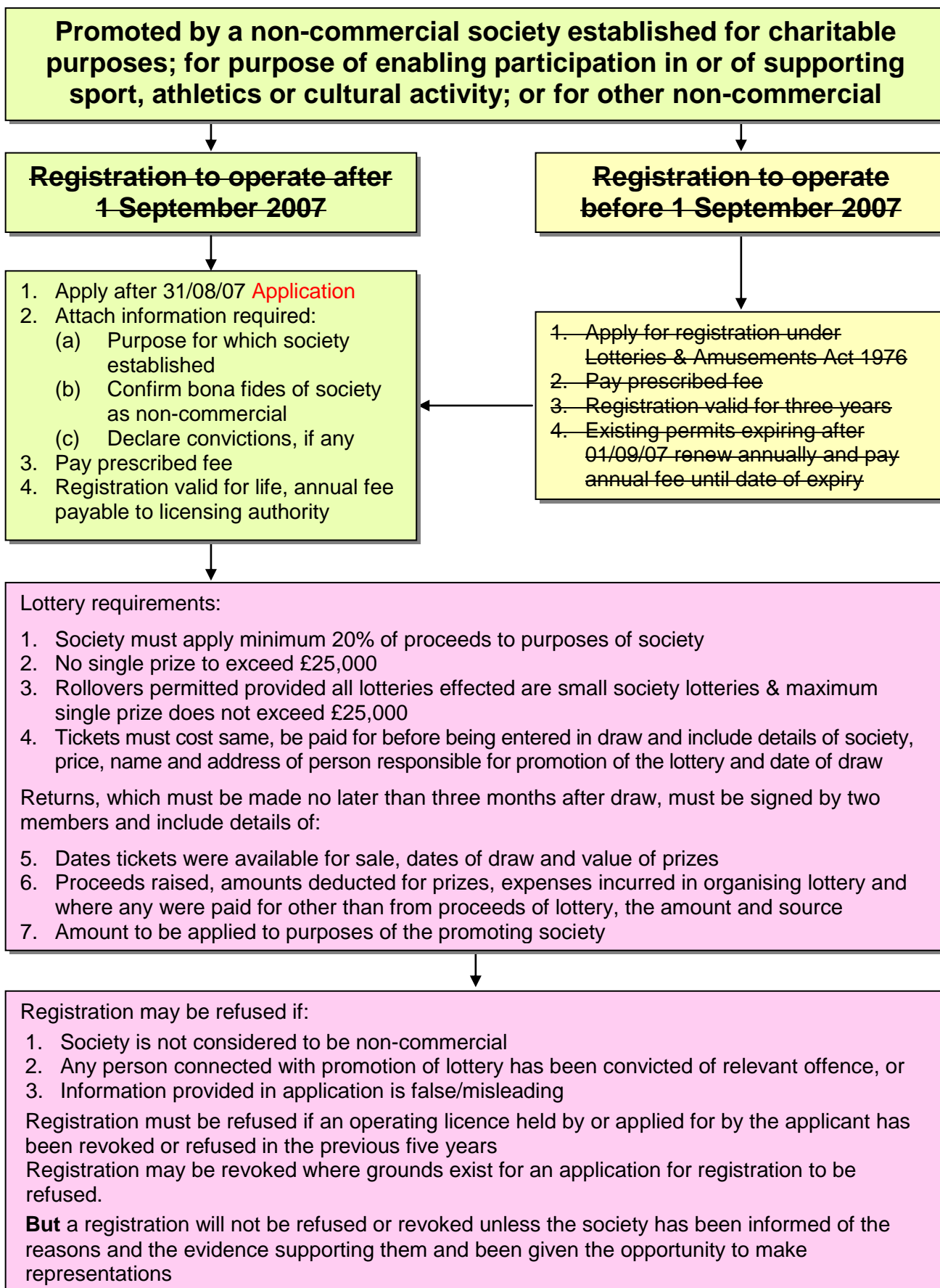
and include the following details:

- the dates when tickets were available for sale;
- the dates of any draw and value of prizes, including any rollover;
- the proceeds raised;
- the amounts deducted for prizes and expenses incurred in organising the lottery;
- the amount applied or to be applied to the purposes of the promoting society,; and
- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source/s from which they were paid.

External lottery managers

External lottery managers require operator's licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on **www.gamblingcommission.gov.uk**

Small Society Lotteries





Rochford District Council

Council Offices South Street
Rochford Essex SS4 1BW

Telephone: 01702 546366

Facsimile: 01702 545737

Website: <http://www.rochford.gov.uk>

Jan Fowler

From: Clerk to Canewdon Parish Council <canewdonpc@btinternet.com>
Sent: 03 September 2015 08:13
To: Licensing
Subject: Rochford DC Gambling Policy Consultation

Dear Sir/madam,

Please find below, the comments from Canewdon Parish Council regarding the Rochford DC Gambling Policy Consultation:

The Parish Council agree with the body of the text but would advise that there are typing errors in the text that need to be addressed:

Page 12 – item 2.44 – ‘perator’

Page 19 – item 3.26 (first bullet point) – insert ‘on’ – each application its own merit

Page 22 – item 4.7 (third bullet point) – ‘staff is’ change to ‘staff are’

Kind Regards,

Kelly Holland

Clerk to Canewdon Parish Council

33 Rowan Way
Canewdon
Essex
SS4 3PD

07596 747873
canewdonpc@btinternet.com
www.essexinfo.net/canewdon-parish-council

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Rochford District Council
Licensing Unit
3–19 South Street
Rochford,
Essex
SS4 1BW

6th November 2015

Dear Sir,

Consultation on Rochford District Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

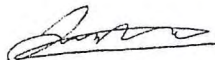
Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of any moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications and variations (requirement is from 6th April 2016) following the consultation completion and are pleased to see the requirements detailed within your statement. Please kindly note that there are currently a couple of typo's within this section, within the red writing at section 2.44 (page 12).

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In our opinion, your policy statement is correct in not listing multiple locations whose proximity to a betting office must be risk assessed, leaving it to the operator to judge which venues are included.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541600
Tel: 020 3288 7000 Fax: 020 3288 7050

a  company





Rochford District Council
3-19 South Street
Rochford
Essex
SS4 1BW

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / LHK / 097505.00004
#GS459688
Your ref:
Date: 05 November 2015

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

There appears to be a typographical error in paragraph 2.44. The first sentence should (we believe) start "Gambling operators..."

Paragraph 3.1 indicates that licensing authorities are able to exclude default conditions or to attach others where it is thought appropriate. Thereafter, paragraph 3.9 deals with conditions. The statement of licensing policy should be clear throughout that the starting point for the consideration of an application under Gambling Act 2005 is that that application will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonable consistent with the licensing objectives. It is only where there is evidence of a risk to the licensing objectives that the licensing authority should consider additional conditions. It is important that conditions are evidence based and not imposed simply "where it is thought appropriate" or on the basis of "perceived need" or concerns.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,



GOSSCHALKS