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## REVIEW OF GAMBLING ACT STATEMENT OF LICENSING POLICY

### 1 SUMMARY

- 1.1 Rochford District Council (“the Council”), is a licensing authority, as defined by section 2 of the Gambling Act 2005 (“the 2005 Act”). As a licensing authority, the Council is required to review its policy for the exercise of its licensing functions every three years. A prescribed formal consultation process must be followed before the final policy is approved by the Council. It is proposed that a public consultation will be carried out on the draft Gambling Licensing Policy (which is annexed to this report at appendix A). Additionally, Members are asked to consider and comment on the draft statement.

### 2 INTRODUCTION

- 2.1 As a licensing authority, the Council is required to develop, consult on and publish a statement of principles (hereinafter referred to as a ‘policy statement’), which it proposes to apply when exercising its functions under the 2005 Act. The policy statement has to be published every three years, although it can be reviewed on an annual basis and updated prior to expiration of three years, if considered necessary.
- 2.2 The current policy statement was adopted in December 2015 and published in January 2016.
- 2.3 Under the 2005 Act, the Gambling Commission (“the Commission”) is required to issue guidance to licensing authorities, which must be considered by the authority when devising its policy statement, the manner in which the authority is to exercise its functions in relation to licensed gambling, and the principles to be applied by the authority in carrying out such functions. However, shortly after the Council’s current policy statement was adopted it became apparent that the Commission was undertaking a review of its guidance, the closing date for responses to the Commission’s consultation process being 22 June 2015. The Commission’s review was therefore not completed in time for the Council’s own statutory consultation process, which was held in the summer of 2015, and therefore the Council’s current policy statement, which was published in January 2016, was produced without full consideration of the most up-to-date guidance from the Commission.
- 2.4 The timing of the Commission’s review of the guidance created particular challenges to licensing authorities as it left limited time following its publication in September 2015 for the revised guidance to be considered, meaning that the Council could not complete a fully informed review of its own policy statement and undertake a statutory consultation thereafter. No relaxation of the three-yearly deadline was granted to local authorities whilst the Commission was carrying out its review of the guidance, i.e., the Council was required to publish a policy statement in January 2016 regardless.

- 2.5 As the Council's current policy statement is based on outdated guidance, it is now necessary to re-evaluate the policy statement taking into account the revised guidance.
- 2.6 The Commission has made the following main changes to the guidance, which will need to be incorporated into the Council's revised policy statement:-
- A new general guidance section at the beginning of the document has been introduced. This is intended to make the level of discretion available to licensing authorities in exercising their powers, and the underpinning statutory aim to permit gambling, subject to it being reasonable, consistent with the licensing objectives and the benefits of partnership working.
  - There is now greater emphasis on the importance of the policy statement as a regulatory tool and further changes have been made to reflect the Commission's completed consultation on improving social responsibility controls, particularly around local risk assessments.
  - Local Area Profiles and Risk Assessments have also been introduced, which are considered further in the following paragraph.
- 2.7 In line with developing an increased local focus on policy statements, the Commission has introduced Local Area Profiles and Risk Assessments. It is intended that these will be used by local authorities to draw data about local risks from a number of bodies, including responsible authorities such as the Safeguarding Board and the Police.
- 2.8 Such information will be helpful in assisting operators of gambling establishments to assess the 'local' risks to the licensing objectives posed by the provision of gambling facilities at their premises through 'premises risk assessments' (e.g., underage or harmful gambling). This is also a new requirement (with regard to the social responsibility provisions in the Licence Conditions and Codes of Practice and means that operators will need to have policies, procedures and control measures in place to mitigate those 'local' risks. The requirement to share such risk assessments with the local authority became mandatory for licensing applicants in April 2015, and are used to assist licensing authorities when they are considering applications.
- 2.9 The completion of a local area profile by authorities is not a mandatory requirement, although a Rochford District Council area profile has been produced and published on the Council's web site. This will assist applicants in considering what the Council would expect local operators to include within their risk assessments, and aims to ensure that operators are able to make reference to the local position before conducting their premises-specific risk assessment, which could include considerations such as the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be high concentrations of families with children.

**'No Casino' Resolution**

- 2.10 In adopting the policy for 2012 – 2015 the Council adopted a “no casino resolution”. The Committee will need to decide if it wishes to ask Council to re-adopt the “no casino resolution” and the draft statement will need to be amended prior to publication for consultation purposes.

**Consultation**

- 2.11 The review process itself includes consulting with a number of potentially interested parties, including the Police, businesses and local residents. The authority's consultation process must follow the procedures set out in the Act, which specify a range of statutory consultees.
- 2.12 The results of the consultation will be reported to the Licensing Committee later this year prior to ratification by Full Council in December. Appendix B is a timetable of the consultation process.

**3 CRIME AND DISORDER IMPLICATIONS**

- 3.1 The prevention of Crime and Disorder is one of the three licensing objectives and will continue to be a key consideration within the policy statement. The review will be undertaken in accordance with relevant Council policies and have regard to existing strategies

**4 EQUALITY AND DIVERSITY IMPLICATIONS**

- 4.1 The consultation process will seek to engage with a number of organisations who represent the interests of a range of community groups. As necessary, the Licensing Officer will assist members of these groups to enable them to express their views during the consultation exercise.

**5 RECOMMENDATION**

- 5.1 It is proposed that the Committee **RESOLVES**
- (1) That, subject to any amendments required by the Committee, the draft Gambling Licensing Policy Statement (appendix A) be approved for commencement of the consultation.
  - (2) That the likely timetable for the consultation period be noted (appendix B).



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**Background Papers:-**

None.

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If you would like this report in large print, Braille or another language please contact 01702 318111.

**COVER**

**If you would like this information in large print, Braille or another language, please contact 01702 318111.**

## **Preface**

This is the ~~fourth~~ **Fifth** 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 three year period commencing ~~31 January 2016~~ **date to be confirmed**

This statement was 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 ~~September 2012~~ **September 2015** and relevant Codes of Practice issued by the Gambling Commission.

The revised policy was offered for consultation between ~~17 August 2015 – 6 November 2015~~ **20 June 2016 – 9 September 2016**.

The policy was approved by the Licensing Authority on ~~15 December 2015~~ **date to be confirmed** and has effect from ~~31 January 2016 – 30 January 2019~~ **until 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 three 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.





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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 **Court** proceedings for offences **committed under the Act**.

### **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 79,000 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 eight premises licensed for betting, one premise licensed as an adult gaming centre and 52 premises consisting mainly of public houses and clubs with permits for gaming machines. There are ~~23~~ **21** 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 three 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 ~~17 August 2015 – 6 November 2015~~ **6 June 2016 – 9 September 2016** by sending a copy to:
- each of the Responsible Authorities;
  - each public library in the District;

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- 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 This Statement of Licensing Policy has effect from ~~31 January 2016~~ **date to be confirmed**— 30 January 2019.

1.8 The Gambling Act 2005 requires the Licensing Authority to monitor, review and, where appropriate, amend its statement and then republish 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;
  - **Provide betting or** 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 para 2.50 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.

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- 2.17 Before the Licensing Authority can ~~consider~~ **determine** 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~~ **its** functions.
- 2.21 The statement must be published at least every three years and must also be reviewed periodically and, where appropriate, amended.
- 2.22 The Licensing Authority will consult with those groups mentioned in paragraph ~~4.5~~ **1.6** above prior to amending any part of the policy and in preparing its Statement of Licensing Policy for each future three year period.

### **Approval of Policy**

- 2.23 This Statement of Licensing Policy was approved at a meeting of the full Council on ~~31 January 2016~~ **date to be confirmed**.
- 2.24 Any comments concerning this statement should be sent via e-mail to **licensing@rochford.gov.uk** or by letter to the 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,



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- 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.

Interested parties can also be trade associations, trade unions, residents' associations and tenants' associations. Providing that these people represent those living or having business interests in the area which might be affected.

Whether a person is an interested party will be determined on a case by case basis. The types of organisations which may be considered to have business interests will be given a wide interpretation.

District councillors who are members of the Licensing Committee will not qualify to act in this way-

2.38 This Authority will generally require written evidence that a person is authorised to represent an Interested Party.

2.39 ~~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).~~

2.40 ~~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.~~

2.41 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.

The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:

- It is not frivolous or vexatious;
- It raises issues that relate to Guidance issued by the Gambling Commission;
- It raises issues that relate to this policy;
- It relates to the Licensing Objectives.

## **Considerations in Licensing of Premises**

2.42 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.

2.43 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.

2.44 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.

2.45 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.

2.46 Appendix F contains further information on premises licences, the application process and additional documentation the Licensing Authority requires in determining the application.

### **Door Supervisors**

2.47 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**

2.48 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**

2.49 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**

2.50 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;
- **other relevant Legislation and Regulations**
- ~~the Data Protection Act 1998;~~
- ~~the Human Rights Act 1998;~~
- ~~the Freedom of Information 2000;~~

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- ~~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.~~

In accordance with Section 350 of the Gambling Act 2005, the licensing authority may exchange information with the following statutory bodies or individuals:

- A constable or police force;
- A enforcement officer;
- A licensing authority;
- Her Majesty’s Revenue and Customs;
- The Gambling Appeal Tribunal;
- The Secretary of State;
- Scottish Ministers; and
- Any other person or body designated by the Secretary of State in accordance with the Act.

2.51 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.

The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose unless required to do so by law.

## **Licensing Register**

2.52 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**

2.53 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.

2.54 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible and adopt a risk based inspection programme.

2.55 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.

2.56 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.

2.57 The Gambling Commission is the enforcement body for Operator and Personal Licences and for concerns about the manufacture, supply or repair of gaming machines.

2.58 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.

2.59 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, phone 01702 318058 or by email to:  
**[licensing@rochford.gov.uk](mailto:licensing@rochford.gov.uk)**

### 3 Premises Licences

3.1 Premises Licences ~~will be~~ **are** 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.

In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:

- Casino premises;
- Bingo premises;
- Betting premises, including tracts and premises used by betting intermediaries;
- Adult gaming centre premises (for category B3, B4, C and D machines);
- Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).

Each case will be decided on its merits, and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing Objectives concerns can be overcome

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; **under section 24 of the Act.**
- in accordance with any relevant guidance issued by the Gambling Commission; **Under section 25 of the Act**
- reasonably consistent with the licensing objectives; **(subject to the two bullet points above)** and
- in accordance with the Authority's Statement of Licensing Principles. **Policy (subject to three bullets points above).**

#### Definition of Premises

3.3 A premise is defined in the Act as "any place". It is for the Licensing Authority **(having regard for the Gambling Commission Guidance)** to ~~decide~~ **determine on the merits of each application** 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.~~

- 3.3 The Authority does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 3.4 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.
- 3.5 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.
- 3.6 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.

### **Demand**

The authority is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

### **Location:**

Location will only be material consideration in the context of the Licensing Objectives.

With regard to these objectives, it is the authority’s policy, upon receipt of any relevant representations to look at specific location issues including:

- The possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. school, or vulnerable adult centres in the area;
- The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
- The size of the premises and the nature of the activities taking place;
- Any levels of organised crime in the area.

In order for location to be considered, the authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. It is a requirement of the Gambling Commission’s Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at

their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

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

The authority will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The ethnic profile of residents in the area;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, top shops, leisure centres and other areas where children will gather.

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability to staff to offer brief intervention and how the manning of premises affect this;
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored;
- The layout of the premises so that staff have an unobstructed view of people using the premises;
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring



- arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
  - The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality;
  - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

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

### **Local Area Profile**

Each locality has its own character and challenges. In order to assess applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the authority may publish a local area profile. This profile can be obtained from the Council's website [www.rochford.gov.uk](http://www.rochford.gov.uk) .

The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

The authority recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments, however an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

## **Duplication with other Regulatory Regimes**

- 3.7 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.

The Gambling Commission's Guidance to Licensing Authorities states:

'7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...'

'7.65 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S201 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.'

This licensing authority places due regard on these extracts from the Guidance (September 2015 version). The Licensing Authority is aware that in May 2015 the Government introduced additional planning controls in relation to betting offices, removing them from Class D2 use to a 'sui generis' use. This means that Betting Shops have been taken out of the planning 'use' classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority would expect applicants for new Gambling Premises Licences to have been granted permission to use prospective premises for the proposed operation subject of the licence application.

### **Licensing Objectives:**

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these objectives, the following will be considered:-

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

Whilst the Licensing Authority is aware that the Gambling Commission takes 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.

Where an area has known high levels of organised crime, the Licensing 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.

- **Ensuring that gambling is conducted in a fair and open way –**  
The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way.
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**  
In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term ‘vulnerable person’ in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or substance misuse of alcohol or drugs.

The licensing authority will consider very carefully whether applications for Premises Licences in respect of gambling premises located close to schools, centres for gambling addicts, or residential areas where there may be a high concentration of families with children, should be granted.

## **Premise Licence Conditions**

3.8 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.

3.9 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.

3.10 The Licensing Authority will not refuse an application for a premises licence where relevant objections can be dealt with by use of appropriate conditions.

3.11 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.

3.12 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.

In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:

- Proof of age schemes
- Closed Circuit Television
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entrances;
- Notices and signage;
- The training of staff to deal with suspect truants and vulnerable persons;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare.

This list is not exhaustive but indicative of examples.

## **Provisional Statements**

An application for a provisional statement may be made in respect of the premises which the applicant:

- Expects to be constructed;
- Expects to be altered;
- Expects to acquire a right to occupy

The applicant should refer to the Act and the detailed information provided in the Guidance.

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**

- 3.13 As provided by Section 166 of the Gambling Act 2005, the Licensing Authority has resolved not to issue casino premises licences for the three year duration of this policy.
- 3.14 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.
- 3.15 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**

- 3.16 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.
- 3.17 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.

The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## **Bingo Premises**

- 3.18 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.

- 3.19 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.

The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

### **Door Supervisors**

- 3.20 The Licensing Authority requires any person employed at a casino or bingo premises as a door supervisor must hold a current licence granted under the Private Security Industry Act 2001. (SIA)

### **Credit and Cash Dispensers**

- 3.21 Credit facilities are prohibited from being provided in casino and bingo licensed premises.
- 3.22 Cash machines (ATM's) may be installed in such licensed premises but the Licensing Authority may apply conditions on their siting. ~~where they are installed in bingo premises.~~

### **Betting Offices and Machines**

- 3.23 ~~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.~~

In relation to Casinos, Betting Premises and Tracks, 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 to a Casino Premises Licence (where betting is permitted in the Casino).

- 3.24 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.

- 3.25 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.

In deciding whether to impose a condition to limit the number of betting machines, each application will be considered on its own merit and account will be taken of Codes of Practice or Guidance issued under the Act..

## **Tracks**

- 3.26 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 3.27 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, **as entry to these premises may be age restricted. Please refer to the Gambling Commission Guidance**

The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## **~~Adult Gaming Centres and Family Entertainment Centres~~**

- 3.28 ~~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.~~

### **ADULT GAMING CENTRES**

Entry to these premises is age restricted.

The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

### **LICENSED FAMILY ENTERTAINMENT CENTRES**

Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## **Representations and Reviews**

Application for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.

The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Assistant Director of Legal Services, as being the proper persons to act on its behalf.

It is for the Licensing Authority to decide whether the review is to be carried out. This decision will generally be on the basis of whether the request for the review is relevant to the matters listed below:

- Whether the grounds for the request raises issues relevant to the principles to be applied by the Licensing Authority and set out within the Licensing Authority Statement of Policy;
- whether the grounds for the request are frivolous or vexatious
- whether the grounds for the request would certainly not cause the Authority to alter/revoke/suspend the premises licence;
- whether the grounds for the request are substantially the same as previous representations or requests for a review;
- In accordance with any relevant codes of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives.

~~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.~~

~~3.29 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.~~

~~3.30 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.~~
- 3.31 ~~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.~~
- 3.32 There is no appeal against the Authority's determination of the relevance of a representation or an application for review.
- 3.33 Appendix E contains further information on making representations and applying for reviews of premise's licences..

## **Travelling Fairs**

- 3.34 ~~No authorisation is required for a travelling fair as there is no limit on Category D machines.~~
- 3.35 ~~The Licensing Authority will also consider if the applicant falls within the statutory definition of a travelling fair.~~

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the Act.

Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than ancillary amusement at the fair.

The Licensing Authority will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.

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

- 3.36 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.
- 3.37 Where the 27-day statutory limit is exceeded, a **Temporary Use Notice** (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**

### **GENERAL**

The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine permits, the Licensing Authority can only grant or reject an application for a permit. No conditions may be attached.

### **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 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.

### **Statement of Principles**

- 4.4 The Licensing Authority will specifically have regard to those matters contained within Section 2, paragraph ~~2.43~~ 2.42–2.46 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:
- Criminal Record Check from Disclosure and Barring (DBS) checks ~~for staff;~~ **for the applicant and the person having the day to day control of the premises;**
  - **Proof of age schemes;**

- How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- 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~~ **are** trained to have a full understanding of the maximum stakes and prizes.

4.8 Appendix G 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 two 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:~~

**Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to**

satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
  - Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
  - appropriate notices and signage; and
  - has regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets **and/or** help line numbers for organisations such as GamCare.
- 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 **and/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 **to the licensing authority.**

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 G 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 In addition applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect).
- 4.22 Prize gaming may be carried on in premises under a permit issued by the Licensing Authority.
- 4.23 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.
- 4.24 In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 4.25 Where the Licensing 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.

### **Statement of Principles**

- 4.26 The Licensing Authority will specifically have regard to those matters contained within Section 2, paragraph ~~2.43~~ 2.42–2.46 concerning matters to be considered in licensing of premises.
- 4.27 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.
- 4.28 The efficiency of such policies and procedures will be considered on their merits and may, for example, include such measures as:
- Criminal Record Check from Disclosure and Barring (DBS) ~~for staff;~~ **for the applicant and the person having the day to day control of the premises; Proof of age schemes;**
  - **How the applicant proposes to ensure that children will be protected from harm whilst on the premises;**

- **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.**

4.29 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).

4.30 Appendix G 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**

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

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

4.33 A Club Gaming Machine Permit enables the premises to provide a maximum of three gaming machines only, of Category B3a, C or D.

### **Commercial Clubs**

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

4.35 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.

4.36 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.

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

**The gambling provided under the authority of a club gaming permit must also meet the following conditions:**

- (a) in respect of gaming machines:**

- No child or young person may use a category B or C machine on the premises;
  - That the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.
- (b) The public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

4.37 Appendix G 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 F 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 eight 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 F 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 four 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.

## **7 Fees**

- 7.1 Rochford District Council's current fees are reviewed annually and published on the Council web site [www.rochford.gov.uk](http://www.rochford.gov.uk)





**Rochford District Council**  
Council Offices South Street  
Rochford Essex SS4 1BW  
Phone: 01702 546366  
customerservices@rochford.gov.uk  
Website: www.rochford.gov.uk



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IN PEOPLE** | Gold

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**If you would like this information in large print, Braille or another language, please contact 01702 318111.**

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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

<b>Admissible Representations</b>	Representations submitted by a Responsible Authority or Interested Party
<b>Area Profile</b>	Area Profile can be found on the council web site <a href="http://www.rochford.gov.uk">www.rochford.gov.uk</a> this information is to assist applicants when completing applications and risk assessments.
<b>Authorised Local Authority Officer</b>	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
<b>Authorised Person</b>	<p>A licensing officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:</p> <ul style="list-style-type: none"><li>• Inspectors appointed under the Fire Precautions Act 1971;</li><li>• Inspectors appointed under the Health and Safety at Work, etc. Act 1974;</li><li>• Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995;</li><li>• A person in a class prescribed in regulations by the Secretary of State.</li></ul>
<b>Automated Roulette Equipment</b>	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.
<b>Automatic Conditions</b>	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
<b>AWP machines</b>	Amusement with Prizes Machines
<b>BACTA</b>	The British Amusement Catering Trade Association
<b>Betting Intermediary</b>	Someone who offers services via remote communication, such as the internet.
<b>Betting Ring</b>	An area that is used for temporary 'on course' betting facilities.
<b>Betting Machine</b>	A machine designed or adapted for use to bet on future real events (not a Gaming Machine).

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

- 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.

<b>Customer Lotteries</b>	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.
<b>Default Conditions</b>	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.
<b>Delegated Powers</b>	Decisions delegated by the Licensing Authority either to a Licensing Committee, Sub-Committee or Licensing Officers.
<b>Disorder</b>	In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
<b>Domestic Computer</b>	One used for in a residential property for private, non-commercial purposes and is exempt from a Gaming Machine Permit.
<b>Dual Use Computer</b>	<i>Definition in forthcoming Regulations.</i> Exempt from a Gaming Machine Permit.
<b>Equal Chance Gaming</b>	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
<b>EBT</b>	Electronic Bingo Ticket Minders consisting of electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.
<b>Exempt Lotteries</b>	Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types: <ul style="list-style-type: none"><li>• Small Society Lottery (required to register with Licensing Authorities)</li><li>• Incidental Non Commercial Lotteries</li><li>• Private Lotteries</li><li>• Customer Lotteries</li></ul>



<b>External Lottery Manager</b>	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.
<b>Fixed Odds Betting</b>	General betting on tracks.
<b>Gaming</b>	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.
<b>Gaming Machine</b>	A machine used for gambling under all types of gambling activity, including betting on virtual events.
<b>Guidance to Licensing Authorities</b>	Guidance issued by the Gambling Commission dated April 2006.
<b>Human Rights Act 1998</b>	Articles 1, 6, 8 and 10  Article 1: Protocol 1 – The right to peaceful enjoyment of possessions  Article 6: The right to a fair hearing  Article 8: The right of respect for private and family life  Article 10: The right to freedom of expression
<b>Inadmissible Representation</b>	A representation not made by a Responsible Authority or Interested Party.
<b>Incidental non-commercial lottery</b>	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 <b>school fete</b> , dance, bazaar etc.
<b>Information Exchange</b>	Exchanging of information with other regulatory bodies under the Gambling Act.
<b>Interested Party</b>	A person who in the opinion of the Licensing Authority: <ul style="list-style-type: none"><li>• lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li><li>• has business interests that might be affected by the authorised activities; or</li></ul>

- 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.

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**For period 31 January 2016 – 30 January 2019**

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<b>Licensing Objectives</b>	<p>There are three objectives:</p> <ul style="list-style-type: none"><li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;</li><li>• Ensuring that gambling is conducted in a fair and open way; and</li><li>• Protecting children and other vulnerable persons from being harmed or exploited by gambling.</li></ul>
<b>Live Gaming</b>	<p>Gambling on a live game as it happens.</p>
<b>Lottery</b>	<p>An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.</p>
<b>Lottery Tickets</b>	<p>Every lottery must have tickets for each chance:</p> <ul style="list-style-type: none"><li>• Identifying the promoting society;</li><li>• Stating the price of the ticket, which must be the same for all tickets;</li><li>• 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</li><li>• Stating the date of the draw, or sufficient information to enable the date of the draw to be determined.</li></ul>
<b>Mandatory Conditions</b>	<p>Conditions that must be attached to a Premises Licences, to a class of Premises Licence or licences for specified circumstances.</p>
<b>Members Club</b>	<p>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.</p>
<b>Non-commercial event</b>	<p>An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.</p>

<b>Non-commercial society</b>	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.
<b>Occasional Use Notice</b>	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.
<b>Off Course Betting</b>	Betting that takes place other than at a track, i.e. at a licensed betting shop.
<b>Off Course Betting</b>	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.
<b>On Course Betting</b>	Betting that takes place on a track while races are taking place.
<b>Operating Licence</b>	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.
<b>Permit</b>	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.
<b>Personal Licence</b>	A licence issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling.
<b>Pool Betting (Tracks)</b>	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.
<b>Premises</b>	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.

<b>Premises Licence</b>	<p>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.</p>
<b>Private Lottery</b>	<p>There are three types of private lottery:</p> <ul style="list-style-type: none"><li>• Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society.</li><li>• Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises.</li><li>• Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.</li></ul>
<b>Prize Gaming</b>	<p>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.</p> <p>(<b>NB:</b> 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.)</p>
<b>Prize Gaming Permit</b>	<p>A permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specific premises.</p>
<b>Provisional Statement</b>	<p>An application to the Licensing Authority in respect of premises that are:</p> <ul style="list-style-type: none"><li>• Expected to be constructed.</li><li>• Expected to be altered.</li><li>• Expected to acquire a right to occupy.</li></ul>
<b>Relevant Representations</b>	<p>Representations that relate to the Gambling Licensing Objectives, the Gambling Commission's Guidance, the Codes of Practice.</p>

**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

**Risk Assessment**

Social responsibility (SR) code requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks.

**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.

<b>Vehicles</b>	Includes trains, aircraft, sea planes and amphibious vehicles other than hovercraft.
<b>Vessel</b>	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.
<b>Virtual Betting</b>	Gambling by machine that takes bets on virtual races, i.e. mages generated by computer to resemble races or other events.
<b>Vulnerable Persons</b>	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.
<b>Young Person</b>	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	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	Assistant Director-Legal Services	All cases
Licensing authority initiating a review of a premise licence	Assistant Director-Legal Services	All cases
Licensing authority making representations in respect of an application for grant or variation of a premise licence	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.
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

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<b>Matter to be dealt with</b>	<b>By whom</b>	<b>When</b>
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

<b>Rochford District Council: One copy each to Licensing Authority, Planning, Environment/Pollution</b>	Senior Licensing Officer Assistant Director – Community and Housing Services  Rochford District Council 3 – 19 South Street Rochford Essex SS4 1BW  Phone: 01702 318111
<b>Police</b>	Essex Police Licensing Unit (Alcohol) PO Box 12306 Police Station Newland Street Witham CM8 2AS  Email: <a href="mailto:licensing.applications@essex.police.uk">licensing.applications@essex.police.uk</a>
<b>Fire</b>	Chief Fire Officer Southend & Rochford Community Command Team R/o Fire Station Sutton Road Southend-on-Sea Essex SS2 5PX  Phone: 01702 614433
<b><del>Essex Children Safeguarding Service</del></b>	<del>Head of Child Protection (Licensing Applications) Essex County Council PO Box 297 Chelmsford Essex CM1 1YS</del>
<b>Protection of Children From Harm</b>	Children's Safeguarding Service PO box 11 County Hall Chelmsford Essex CM1 1LX Phone 01245 341932 Email <a href="mailto:licenceapplications@essexcc.gov.uk">licenceapplications@essexcc.gov.uk</a>
<b>Gambling Commission</b>	Victoria Square House Victoria Square Birmingham B2 4BP  Phone: 0121 230 6500

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

~~Greenock Accounting Centre  
Custom House  
Custom House Quay  
Greenock PA15 1EQ~~

~~Phone: 01475 726331~~

**H M Revenue and Customs**

The Proper Officer  
HMRC Banking  
St Mungos Road  
Cumbermauld  
Glasgow G70 5WY

## 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

## Rochford District Council – Appendices

### Statement of Licensing Policy Gambling Act 2005 For period 31 January 2016 – 30 January 2019

Provision under which hearing is held	Period of time within which representations must be made	Persons who may make representations
Application for transfer of premises licence	28 days of receipt of application.	Chief of police
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
  - 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.

<b>Provision under which hearing is held</b>	<b>Period of time in which hearing must be held</b>	<b>Persons to whom notices must be sent</b>
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.



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<b>Provision under which hearing is held</b>	<b>Period of time in which hearing must be held</b>	<b>Persons to whom notices must be sent</b>
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.
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 – 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](http://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).

### 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](http://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](http://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.

Figure 1

Category of Machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	£5	£10,000 or where the prize value available through its use is wholly or partly determined by reference to use made of one or more sub-category B1 machines £20,000
B2	In multiples of £10	
B3	£2	£500
B3a	£2	£500
B4	£2	£400
C	£1	£100
D money prize	10p	5

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Category of Machine	Maximum Stake £	Maximum Prize £
D non-money prize (other than a crane grab machine)	30p	£8
D Non money prize (Crane grab machine)	£1	£50
D combined money and non-money prize (other than coin pusher or penny falls machines) <b>travelling fairs, unlicensed family entertainment centres</b>	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)	20p	£20 (of which not more than £10 may be a money prize)

**Figure 2**

Premises Type	Machine Category						
	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						

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Premises Type	Machine Category							
	A	B1	B2	B3	B4	C	D	
Betting premises and tracks occupied by Pool Betting			Maximum of four machines Categories B2 to D					
Bingo Premises			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			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

**Premises where an operator's licence has been granted to operate a casino, bingo premises, betting premises, adult gaming centre or licensed family entertainment centre**

1. Application and risk assessment
2. Attach required documentation
3. Pay prescribed fee

1. Licence lasts indefinitely unless surrendered, lapsed etc.
2. Annual charge payable to licensing authority



## Appendix G – 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	£2	£400
C	£1	£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

Premises Type	Machine Category						
	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.;
- **appropriate notices and signage;**
- **regard for the protection of vulnerable persons self – barring schemes, information leaflets and/or help line information for organisations such as GamCare.**
- 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.

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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.

### **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**

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 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.

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

Premises 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 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 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.

### **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 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 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.

### **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

**Premises where the licence permits the sale of alcohol for consumption on the premises and the sale is not conditional upon food being sold may have gaming machines of Class C or D**

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**Up to two machines**

1. Automatic entitlement to two machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee

↓

**More than two machines**

1. Apply to Licensing Authority for a permit
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee

- ↓
1. Permit has effect date of grant unless surrendered or cancelled
  2. Annual charge to be paid to Licensing Authority

- ↓
1. Licensing authority can withdraw entitlement for two machines where their provision is not consistent with licensing objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
  2. Licensing authority can cancel a permit where the premises are used wholly or mainly by children or young persons or an offence under the Act has been committed.

↓

**But**

1. Permit holder must be given 21 days notice of the intention to withdraw or cancel
2. Hearing must be held if permit holder requests one
3. Withdrawal or cancellation has no effect until 21 days has elapsed from notice being served where no hearing is requested or 21 days following a hearing or appeal.

## Member's Club

### Maximum of three Category B4, C or D machines

Applications for new permits and renewals must be made to Licensing Authority

#### Attach to application

1. Application
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

1. Application with accompanying documents
2. Objections may be made
3. Permit lasts 10 years.

Application for grant may be refused if:

1. Applicant does not qualify as a member's or commercial club or miner's welfare institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.
5. An objection has been made by police or Commission.

Application for renewal must be sent to licensing authority with fee between three and six weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding



## Unlicensed Family Entertainment Centre

**Permit may be issued for premises whose primary use is as an unlicensed family entertainment centre to have an unlimited number of gaming machines of Class D**

1. Application
2. Attach information required by Statement of Principles
3. Attach plan of premises showing location of machines
4. Consult Chief of Police
5. Pay prescribed fee

Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the licensing objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to licensing authority with fee between two and six months before permit expires and may only be refused if an authorised officer has been refused access to the premises w/o reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if:

1. Licensing authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitate, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew it

## Prize Gaming Permit

**Prize gaming permits may only be issued in respect of premises for which there is no premises licence or club gaming permit issued under the Gaming Act 2005**

1. Application
2. Attach information required by Statement of Principles
3. Attach plans of premises
4. Pay prescribed fee

Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the licensing objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to licensing authority with fee between two and six months before permit expires and may only be refused if an authorised officer has been refused access to the premises w/o reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if:

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitate, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew it

**Appendix H– 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)													
Pre-2005 Act casinos													
Betting premises and tracks occupied by Pool Betting								Maximum of four machines in any combination in Categories B2, B3, B4, C or D					
Bingo Premises	20% of total gaming machines which are available on the premises categories B3 or B4												
Adult gaming centre													
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		400										
C	1		100										

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Category of machine	Maximum Stake £	Maximum Prize £
D	<del>40p</del> or <b>30p</b> when non-monetary prize ( <b>other than a crane grab machine or a coin pusher or penny falls machine</b> )	<del>£5 cash or</del> <b>£8</b> non-monetary prize
D Non Money prize (crane machine grab)	£1	£50
<b>D non money prize (other than a crane grab machine or a coin pusher or penny falls machine)</b>	<b>£1</b>	<b>£50</b>
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)	<del>40p</del> <b>20p</b>	<del>£15.00</del> <b>£20.00</b> (of which not more than £10 may be a money prize)

## Appendix I – 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	

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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 and prize limits	<b>Poker</b> £1,000 per week £250 per day £10 per person, per game  <b>Other Gaming</b> None, but expectation that it should be for low stakes	<b>Poker</b> £1,000 per week £250 per day £10 per person, per game  <b>Other Gaming</b> None, but expectation that it should be for low stakes	None	None	<b>Poker</b> £1,000 per week £250 per day £10 per person, per game  <b>Other Gaming</b> None, but expectation that it should be for low stakes	<b>Poker</b> £100/premises per day <b>Other gaming</b> £5/person per game <b>Cribbage &amp; dominoes</b> 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

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	<b>Members' Club/ Commercial Club/ Miner's Welfare Institute (no Permit)</b>	<b>Members' Club/ Commercial Gaming Club (no Permit)</b>	<b>Members' Club/ Miner's Welfare Institute (Club Gaming Permit)</b>	<b>Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)</b>	<b>Members' Club/ Commercial Club/ Miner's Welfare Institute (Club Gaming Machine Permit)</b>	<b>Pubs and other alcohol licensed premises</b>
Maximum participation fees per person per day	<b>Bridge and/or Whist</b> £18 per person  <b>Other Gaming</b> £1 per person	<b>Bridge and/or Whist</b> £18 per person  <b>Other Gaming</b> £1 per person	<b>Bridge and/or Whist</b> £20 per person  <b>Other Gaming</b> £3 per person	£18 per person without a game machine permit £20 per person with a game machine permit	<b>Bridge and/or Whist</b> £18 per person  <b>Other Gaming</b> £3 per person for Commercial club £1 per person for members club	Not permitted
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.

## Appendix J – 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](http://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.

### **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](http://www.gamblingcommission.gov.uk)**

## Small Society Lotteries

**Promoted by a non-commercial society established for charitable purposes; for purpose of enabling participation in or of supporting sport, athletics or cultural activity; or for other non-commercial**

1. ~~Apply after 31/08/07~~ Application
2. Attach information required:
  - (a) Purpose for which society established
  - (b) Confirm bona fides of society as non-commercial
  - (c) Declare convictions, if any
3. Pay prescribed fee
4. Registration valid for life, annual fee payable to licensing authority

### Lottery requirements:

1. Society must apply minimum 20% of proceeds to purposes of society
2. No single prize to exceed £25,000
3. Rollovers permitted provided all lotteries effected are small society lotteries and maximum single prize does not exceed £25,000
4. Tickets must cost same, be paid for before being entered in draw and include details of society, price, name and address of person responsible for promotion of the lottery and date of draw

Returns, which must be made no later than three months after draw, must be signed by two members and include details of:

5. Dates tickets were available for sale, dates of draw and value of prizes
6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery and where any were paid for other than from proceeds of lottery, the amount and source
7. Amount to be applied to purposes of the promoting society

### Registration may be refused if:

1. Society is not considered to be non-commercial
2. Any person connected with promotion of lottery has been convicted of relevant offence, or
3. Information provided in application is false/misleading

Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous five years

Registration may be revoked where grounds exist for an application for registration to be refused.

**But** a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations



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**Appendix B - Time Table of Implementation**

The time table below sets out the proposed timetable of events for the review of the Gambling Act 2005 Statement of Licensing Policy

Action	Date Due	Outcome
Draft Policy put before the Licensing Committee for Consultation	6 June 2016	Agreement of draft Policy and Consultation
External Consultation	20 June 2016 – 9 September 2016	Observations/comments received
Final policy put before the licensing committee for approval	12 September 2016	Agreed for presentation to full Council for re adoption
Policy agreed by full council	18 October 2016	Full Council agreement
Policy published	7 November 2016	Policy published