

# AGENDA



For a meeting of the
<b>LICENSING COMMITTEE</b>
to be held on
<b>FRIDAY, 6 SEPTEMBER 2013</b>
at
<b>10.00 AM</b>
in the
<b>COUNCIL CHAMBER, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM NG31 6PZ</b>
<b>Beverly Agass, Chief Executive</b>

Committee Members:	Councillor Mark Ashberry, Councillor Pam Bosworth (Chairman), Councillor Robert Broughton, Councillor George Chivers, Councillor Breda Griffin, Councillor Reginald Howard, Councillor Graddon Rowlands, Councillor Bob Russell (Vice-Chairman), Councillor Susan Sandall, Councillor Mrs Jean Taylor and Councillor Frank Turner
Committee Support Officer:	Lucy Bonshor 01476 40 61 20 E-mail: <a href="mailto:l.bonshor@southkesteven.gov.uk">l.bonshor@southkesteven.gov.uk</a>

**Members of the Committee are invited to attend the above meeting to consider the items of business listed below.**

**1. APOLOGIES**

**2. DISCLOSURE OF INTERESTS**

Members are asked to disclose any interests in matters for consideration at the meeting.

**3. MINUTES OF THE MEETING HELD 10TH MAY 2013**

**(Enclosure)**

## **EXCLUSION OF THE PUBLIC**

**It is anticipated that, in accordance with Section 100A(4) of the Local Government Act 1972 (as amended) the public may be excluded from the meeting during consideration of the following item of business because of the likelihood that otherwise exempt information, as described in paragraphs 1 and 2 of the Act (as amended) would be disclosed to the public.**

**4. REVIEW OF AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE**

Report CSL037 from the Community Safety & Licensing Service Manager.

**(Enclosure)**

**5. GAMBLING STATEMENT OF PRINCIPLES - CONSULTATION**

**(Enclosure)**

**6. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT.**

# MINUTES

LICENSING COMMITTEE  
FRIDAY, 10 MAY 2013



---

## COMMITTEE MEMBERS PRESENT

Councillor George Chivers  
Councillor Breda Griffin  
Councillor Reginald Howard  
Councillor Bob Russell (Vice-Chairman)

Councillor Susan Sandall  
Councillor Mrs Jean Taylor  
Councillor Frank Turner

## OFFICERS

Licensing Officers (Richard Etherton, Chris Smith)  
Solicitor to the Committee (Paul Rushworth)  
Democratic Officer (Lucy Bonshor)

## OTHER MEMBER

Councillor Mike Taylor (Portfolio Holder –  
Strategic Resources – Well Run Council)

---

## 1. APOLOGIES

Apologies for absence were received from Councillor Pam Bosworth, Councillor Bob Broughton and Councillor Mark Ashberry.

## 2. DISCLOSURE OF INTERESTS

None disclosed.

## 3. MINUTES OF THE MEETING HELD 7TH DECEMBER 2012

The minutes of the meeting held on 7th December 2012 were agreed as a correct record of the decisions taken.

## 4. APPLICATION TO RENEW A SEX SHOP LICENCE - PULSE & COCKTAILS, A1 SOUTHBOUND, STOKE ROCHFORD, GRANTHAM

### Decision:

That the renewal application for a sex shop licence for Pulse & Cocktails, A1 Southbound, Stoke Rochford, Grantham is approved as applied for in

**accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).**

The Licensing Officer presented report CSL030 which concerned the renewal of a sex shop licence for the premises known as Pulse & Cocktails located at A1 southbound, Stoke Rochford, Grantham and confirmed that neither the applicants or any representatives were attending the meeting. The Licensing Officer reminded the Committee that each application must be determined on its own merits and could only be refused on certain defined or mandatory grounds as outlined within the report. The applicant had held a sex shop licence since April 2009 and there had been no complaints received during this time or during the 28 day consultation period from receipt of the application to renew. The applicant wished to renew the license as it stood with no changes to the opening hours which were:

Monday – Sunday 09.00 to 2200hrs (including Bank Holiday)

Members considered the information before them and as no objections had been received from either the public or any statutory authorities, it was proposed, seconded and unanimously agreed to grant the licence as applied for.

**5. CLOSE OF MEETING**

The meeting closed at 10.36am.

# Agenda Item 4

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



# **STATEMENT OF PRINCIPLES**

## **GAMBLING ACT 2005**

# DRAFT Gambling Statement of Principles

14 January 2014

Green = Additions

Red = Amendments

DRAFT

## Contents

Item	Page
<b>Part A</b>	
1. Introduction	4
2. The Licensing Objectives	5
3. General Matters	5
4. Declaration	7
5. Responsible Authorities	7
6. Interested parties	8
7. Exchange of Information	9
8. Enforcement and Inspection	10
<b>Part B - Premises Licences</b>	
1. General Principles	12
2. Adult Gaming Centres	20
3. (Licensed) Family Entertainment Centres	21
4. Casinos	21
5. Bingo premises	21
6. Betting premises	23
7. Tracks	23
8. Travelling fairs	25
9. Provisional Statements	25
10. Reviews	26
11. Appeals	28
<b>Part C - Permits / Temporary and Occasional Use Notices</b>	
1. Unlicensed Family Entertainment Centre gaming machine permits	29
2. (Alcohol) Licensed premises gaming machine permits and notifications	30
3. Prize Gaming	31
4. Club Gaming and Club Machines Permits	31
5. Temporary Use Notices	33
6. Occasional Use Notices	33
7. Lotteries	34
8. Review	35
9. Glossary	35
<b>Appendix 1</b> – Summary of delegated powers	36
<b>Appendix 2</b> - Consultees	39
<b>Appendix 3</b> – Glossary	41

This Statement of Principles was approved by South Kesteven District Council on .....

## **SOUTH KESTEVEN DISTRICT COUNCIL**

### **STATEMENT OF PRINCIPLES – GAMBLING ACT 2005**

#### **Part A**

#### **1. Introduction**

1.1. South Kesteven District Council (hereinafter referred to as the 'Licensing Authority') is responsible for the licensing of premises and the issue of permits and authorisations under the Gambling Act 2005 ('the Act'). The Licensing Authority's main functions under the Act are to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- issue provisional statements
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, via the issuing of club gaming permits and / or club machine permits
- issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- receive notifications, from premises licensed for the sale and consumption of alcohol on the premises (under the Licensing Act 2003), for the use of two or fewer gaming machines
- issue gaming machine permits, to premises licensed for the sale and consumption of alcohol on the premises (under the Licensing Act 2003), where there are more than two machines
- register small society lotteries below prescribed thresholds
- issue prize gaming permits
- receive and endorse temporary use notices (TUNs)
- receive occasional use notices (OUNs)
- provide information to the Gambling Commission regarding details of licences and permits issued (see section 7 within Part A of this Policy Statement 'Exchange of Information')
- maintain registers of the permits and licences that are issued under these functions

1.2. This Statement of Principles is intended to provide clarity to applicants, interested parties and Responsible Authorities on how this Licensing Authority will determine applications. Guidance is available to assist applicants.

## 2. The Licensing Objectives

2.1 In exercising most of their functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Part 1, Section 1 of the Act and within the Gambling Commission's Guidance to Licensing Authorities. The Licensing Objectives are:

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

2.2 This Licensing Authority is aware that, as per Part 8 Section 153 of the Act, in making decisions about Premises Licences and Temporary Use Notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Gambling Commission,
- reasonably consistent with the Licensing Objectives, and
- in accordance with the Licensing Authority's Statement of Principles.

## 3. General Matters

3.1 South Kesteven District Council is situated in the Southwest corner of the county of Lincolnshire, which contains 7 District Councils in total. The area has a population of ~~132000~~, **133,800** (as detailed in the population projection by the Office for National Statistics), making it the second largest district in the County in terms of population. In terms of area it is the fourth largest, covering 365 square miles. The area is mainly rural with 4 urban areas comprising of Grantham in the North of the district, with the towns of Stamford, Bourne and The Deepings in the South of the district. Additionally there are 100 villages and hamlets in the district.

3.2 At the time of ~~adopting~~ **reviewing** this policy the Licensing Authority was responsible for the following number of Premises Licences and Permits:

Betting Premises	11
Bingo Premises	1
Adult Gaming Centres (AGCs)	<del>4</del> <b>2</b>
Family Entertainment Centres (FECs)	<del>2</del> <b>1</b>
Club Gaming Machine Permits	12
Alcohol Licensed Premises Gaming Machine	10

Permits – over 2 machines	
Alcohol Licensed Premises Notifications of up to 2 Gaming Machines	116
Small Society Lotteries	135

- 3.3 The Licensing Authority has worked in partnership with the other Councils in the county in preparing this Statement of Principles, which is based on the Draft Statement of Principles Guidance issued by the Department of Culture, Media and Sport (DCMS), the Gambling Commission (the Commission) and ~~The Local Authorities Coordinators of Regulatory Services (LACORS)~~ The **Local Government Regulation (formerly LACORS)**.
- 3.4 In adopting this Statement of Principles the Licensing Authority recognises its duties to consider the impact of all its functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998. The Council acknowledges the benefits to the community of properly regulating gambling in the district.
- 3.5 The Licensing Act 2003 provides the delegated and procedural arrangements for the establishment of Licensing Authorities.
- 3.6 Licensing Committees established under Part 2, Section 6 of the Licensing Act 2003 are also the relevant Committees for the purpose of gambling functions. Therefore, the same Committee that deals with applications and other issues in relation to the Licensing Act 2003 will also be responsible for Premises Licence applications and other issues (e.g. permits) in relation to gambling.
- 3.7 The proceedings of the Licensing Committee are regulated by Part 2, Section 9 of the Licensing Act 2003 and regulations made under that section. Particular provision can be made for proceedings in relation to just the Licensing Act 2003 functions or just the Gambling Act 2005 functions.
- 3.8 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1 of this document.
- 3.9 Licensing Authorities are required by the Gambling Act 2005 to publish a Statement of Principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon - the statement must be then re-published.
- 3.10 The Licensing Authority consulted widely upon this Statement of Principles before finalising and publishing. A list of the persons

consulted is provided in Appendix 2. The consultation period was from .....

3.11 The Gambling Act 2005 requires that the following parties be consulted by Licensing Authorities:

- the Chief Officer of Police;
- one or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority's area;
- one or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Gambling Act 2005.

3.12 This Statement of Principles was submitted for approval at a meeting of the Full Council on ..... and published via the Council's website. Copies will be available from the Council Offices, St Peter's Hill, Grantham, Lincolnshire NG31 6PZ.

3.13 Should you have any comments with regards this Statement of Principles please write to the Service Manager – Community Safety & Licensing, Council Offices, St Peter's Hill, Grantham, Lincolnshire, NG31 6PZ, e-mail [licensing@southkesteven.gov.uk](mailto:licensing@southkesteven.gov.uk) or telephone 01476 40 61 90.

3.14 It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Further information is available on the Council's website <http://www.southkesteven.gov.uk>.

#### **4. Declaration**

4.1 In producing the final statement, the Licensing Authority declares that it has had regard to the Licensing Objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on this statement.

#### **5. Responsible Authorities**

5.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Part 8, section 157 (h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
- that this body has proven documented experience in dealing with the protection of children. The body considered competent by this Licensing Authority for this purpose is Lincolnshire Safeguarding Children Board.

## **6. Interested parties**

6.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. 'Interested parties' are defined in the Act as follows:

"For the purposes of this part 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 which issues the licence or to which the application is made, 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 paragraph (a) or (b) e.g. Members of Parliament (MPs) and Ward Councillors."

## **6.2 Principles of determining Interested Parties**

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

The Licensing Authority, in determining whether a person is an Interested Party, will consider each case on its merits. The Authority will not apply a rigid rule to its decision making. In reaching its decision, the Licensing Authority will consider factors such as the likelihood of the person/business being affected by the licensable activities at the premises as well as the geographical proximity. Larger premises may affect people over a broader geographical area than smaller premises offering the same facilities.

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

Interested parties can be people who are democratically elected such as Councillors and MPs. This will include County, District and Parish Councillors providing they represent the ward likely to be affected. Other than these persons, the Licensing Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be

affected by the authorised activity(ies) and / or has business interest(s) that might be affected by the authorised activity(ies). A letter from one of these persons requesting the representation is sufficient.

- 6.3 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Democratic Services by telephone on (01476) 40 60 80.

## **7. Exchange of Information**

- 7.1 The Licensing Authority may share information received in the exercise of its functions with the Gambling Commission, a Responsible Authority as defined by the Act, an authorised officer of another Licensing Authority, The Gambling Appeal Tribunal, The National Lottery Commission or the Secretary of State.
- 7.2 The Licensing Authority will act in accordance with the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened.
- 7.3 The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to Licensing Authorities as well as any relevant regulations issued by the Secretary of State under powers provided in the Gambling Act 2005.
- 7.4 The Licensing Authority will inform the Gambling Commission without delay if:
- information that causes the Licensing Authority to question the suitability of a person or business holding or applying to hold an Operating Licence is received;
  - there are persistent or serious disorder problems that an Operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an Operating Licence;
  - it comes to the Licensing Authority's attention that alcohol-licensed premises, clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes that make it possible that £2,000 in seven days is being exceeded;
  - there is any other reasonable and relevant information that the Licensing Authority is of the opinion that the Gambling Commission should be made aware of.
- 7.5 Should any protocols be established with regards information exchange with other bodies then they will be made available on request.

7.6 The Council is a signatory to the joint Protocol on Information Exchange under the provisions of Section 115 of the Crime and Disorder Act 1998 with the Lincolnshire Police and the Lincolnshire County Council. The Council will seek to use that provision as appropriate.

## **8. Enforcement and inspection**

8.1 Licensing Authorities are required by regulation, under the Gambling Act 2005, to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under Part 18, Section 346 of the Act to instigate criminal proceedings in respect of the offences specified.

8.2 The Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and it will endeavour to be:

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

8.3 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

8.4 As per the Gambling Commission's Guidance to Licensing Authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

8.5 The Licensing Authority has implemented a risk-based inspection programme based on:

- the Licensing Objectives;
- relevant Codes of Practice;
- guidance issued by the Gambling Commission, in particular at Part 36.2 of the Gambling Commission's Guidance to Licensing Authorities ;

- the principles set out in this Statement of Principles.

8.6 This Licensing Authority carries out risk based regular operations with other agencies including the Gambling Commission and the Police to ensure the objectives are being promoted. This includes test purchasing operations to ensure children and the vulnerable are being protected where required.

8.7 As a general rule the Licensing Authority will consider formal action where there is evidence that the Licensing Objectives are being adversely affected.

8.8 Premises Licence holders are advised that where following the receipt of a warning or warnings in relation to a Premises Licence breach or breaches, an Operator subsequently breaches the licence conditions, the Licensing Authority will seek to review the Premises Licence.

8.9 The Licensing Authority keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.

8.10 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act 1998, in particular - Part I, The Convention, Rights And Freedoms:

- Article 6 – Right To A Fair Trial
- Article 8 – Right To Respect For Private And Family Life
- Article 10 – Freedom Of Expression

and Part II, The First Protocol:

- Article 1 – Protection of Property: “Every natural or legal person is entitled to the peaceful enjoyment of his possessions...”

8.11 The Licensing Authority has established protocols with the Police and other enforcing Authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, whilst applying a lighter touch to low-risk premises.

Enforcement action will be taken in accordance with the Licensing Authority’s own enforcement policy, which reflects the agreed principles that are consistent with the Enforcement Concordat. To this end the key principles of targeting, consistency, transparency and proportionality will be maintained.

## **Part B**

### **Premises Licences**

#### **1. General Principles**

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

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

- in accordance with any relevant Code of Practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the Licensing Objectives and
- in accordance with the Licensing Authority's Statement of Principles

- 1.2 It is appreciated that, as per the Gambling Commission's Guidance to Licensing Authorities, "...moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a Licensing Authority **when considering applications**.

- 1.3 Premises Licences authorise the provision of gambling facilities on the following:

- Casino premises
- Bingo premises
- Betting premises (including race tracks used by betting intermediaries)
- Adult Gaming Centres (AGCs)
- Family Entertainment Centres (FECs)

#### **1.4 Definition of 'premises'**

Premises is defined in the Act as "any place". Different Premises Licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one Premises Licence, provided that they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple-unit premises such as a theme park, track or shopping centre to obtain discrete Premises Licences, where appropriate safeguards are in place. However, the Licensing Authority will pay particular attention if

there are issues about the sub-division of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed. Each case will be judged on its individual merits.

- 1.5 The Gambling Commission states in its Guidance to Licensing Authorities that "...In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises."

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that:

"Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence."

- 1.6 The Guidance also gives a list of factors which the Licensing Authority should be aware of, in determining whether two or more proposed premises are truly separate, which may include:

- “Is a separate registration for business rates in place for the premises?”
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?”

The Licensing Authority will consider these and other relevant factors in making its decision depending on all the circumstances of the case.

1.7 The Gambling Commission’s relevant access provisions for each premises type, stated within their Guidance to Local Authorities, are reproduced below:

#### **“Casinos**

- the principal access entrance to the premises must be from a street (as defined at 7.23 of the guidance)
- no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- no Customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

#### **Adult gaming centres**

- no customer must be able to access the premises directly from any other licensed gambling premises.

#### **Betting Shops**

- access must be from a street (as defined at 7.23 of the guidance) or from another premises with a betting premises licence
- no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

#### **Tracks**

- no customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre.

## **Bingo premises**

- no customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track.

## **Family Entertainment Centre**

- no customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track."

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this Licensing Authority will also take into account in its decision making.

### **1.8 Premises 'ready for gambling'**

The Gambling Commission's Guidance to Licensing Authorities states that "...a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use."

1.9 In deciding whether a Premises Licence can be granted where there are outstanding construction or alteration works at the premises, this Licensing Authority will determine applications on their merits, applying a two stage consideration process:

- first, "...whether...the premises ought to be permitted to be used for gambling;
- second, "...whether...appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place."

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a Provisional Statement can be made instead.

Applicants should note that this Licensing Authority is entitled to decide that it is appropriate to grant a Licence subject to condition, but it is not obliged to grant such a Licence.

More detailed examples of the circumstances in which such a Licence may be granted can be found at Sections 7.59-7.66 of the Gambling Commission's Guidance to Licensing Authorities.

#### **1.10 Location**

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises, but that considerations in terms of the Licensing Objectives are relevant to its decision making. As per the Gambling Commission's Guidance to Licensing Authorities, this Licensing 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. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

#### **1.11 Planning**

The Gambling Commission Guidance to Licensing Authorities states: "In determining applications the licensing authority has a duty to take into consideration all relevant matters and not take into consideration any irrelevant matter, in effect those not related to gambling and the licensing objectives. One example of an irrelevant factor would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal."

1.12 This Licensing Authority will not take into account any irrelevant matters as per the above guidance. In addition this Licensing Authority notes the following excerpt from the guidance.

"When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. 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 not form part of the consideration for the premises licence. Section 210 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."

### 1.13 **Duplication with other regulatory regimes**

This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though listen to and consider carefully any concerns about conditions, which cannot be met by Licensees due to planning restrictions, should such a situation arise.

### 1.14 **Licensing Objectives**

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below:

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

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance to Licensing Authorities however does envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this Licensing Objective. Thus, where an area has known high levels of organised crime this Licensing Authority will consider carefully whether gambling premises are suitable to be located there, and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether Police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

#### **Ensuring that gambling is conducted in a fair and open way**

- This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however more of a role with regard to tracks, which is explained in more detail within the 'Tracks' section (item 7 on page 23).

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

The Licensing Authority has noted the Gambling Commission's Guidance to Licensing Authorities states that this objective means "...preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children...". The Licensing Authority will therefore consider, as suggested in this guidance, whether specific measures are required at particular premises, with regard to this Licensing Objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This Licensing Authority is also aware of the Gambling Commission Code for Socially Responsible Advertising as regards this Licensing Objective in relation to specific premises.

As regards the term 'vulnerable persons' it is noted that the Gambling Commission's guidance does not seek to offer a definition but states that "...it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability, or substance misuse relating to alcohol or drugs." This Licensing Authority will consider this licensing objective on a case by case basis.

### **1.15 Conditions**

Any conditions attached to 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
- reasonable in all other respects."

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

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

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

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

These considerations will apply to premises including buildings where multiple Premises Licences are applicable.

This Licensing Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each Licence relates to a specified area of the track. As per the Gambling Commission's Guidance to Licensing Authorities, this Licensing Authority will consider the impact upon the third Licensing Objective ,(i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling), and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences which are:

- any condition on the Premises Licence which makes it impossible to comply with an Operating Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for Casino and Bingo clubs and this provision prevents it being reinstated); and

- conditions in relation to stakes, fees, winnings or prizes.

### 1.16 Door Supervisors

If there are concerns that premises may attract disorder or be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.

- 1.17 Where Door Supervisors are imposed as a condition on a Premises Licence (except Casino or Bingo premises), Part 8, Section 178 of the Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority (SIA).

## 2. Adult Gaming Centres (AGCs)

- 2.1 This 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, for example, ensure that under 18 year olds do not have access to the premises.

- 2.2 This Licensing Authority may consider measures to meet the Licensing Objectives such as:

- Proof of Age Schemes
- CCTV
- supervision of entrances / machine areas (e.g. use of Door Supervisors)
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets/helpline numbers for organisations such as GamCare

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

- 2.3 The Licensing Authority will expect applicants to adopt an approved proof of age scheme (such as Challenge 21), for staff to be suitably trained and aware of the gambling laws, social responsibility and statutory requirements relating to age restrictions.

### **3. Licensed Family Entertainment Centres (FECs)**

- 3.1 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, for example - that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult-only gaming machine areas. Children and young persons are permitted to enter an FEC and may play on Category D machines. They are not permitted to play on Category C machines, and it is a requirement that there is clear segregation between the two types of machine, to prevent access by children and young persons to Category C machines.
- 3.2 This Licensing Authority may consider measures to meet the licensing objectives such as:
- CCTV
  - supervision of entrances / machine areas (e.g. use of Door Supervisors)
  - physical separation of areas
  - location of entry
  - notices / signage
  - specific opening hours
  - self-exclusion schemes
  - provision of information leaflets/helpline numbers for organisations such as GamCare
  - measures/training for staff on how to deal with suspected truant school children on the premises

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

- 3.3 This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

### **4. Casinos**

- 4.1 Resolution not to issue Casino licences – this Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution. Any such resolution will be made by the Full Council.

### **5. Bingo premises**

- 5.1 This Licensing Authority notes that the Gambling Commission's Guidance to Licensing Authorities states in paragraph 18.4:

“Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.”

- 5.2 This Licensing Authority also notes the guidance at paragraph 18.8 of the Gambling Commission’s Guidance to Licensing Authorities, regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 5.3 Children and young persons are allowed into bingo premises, however they are not permitted to participate in the bingo and if Category B and C machines are made available for use these must be separated from areas where children and young people are allowed.
- 5.4 In accordance with the Gambling Commission’s Guidance to Licensing Authorities, the Licensing Authority recognises that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on Category D machines. Where Category C or above machines are available in the bingo premises to which children are admitted, the Licensing Authority will seek to ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where the machines are located;
  - access to the area where the machines are located is supervised;
  - the area where the machines are located is arranged so that it can be observed by staff of the Operator or the Licence holder; and
  - at the entrance to and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 5.5 Where Bingo is provided in alcohol-licensed premises and it reaches a certain threshold, it will no longer be authorised as equal chance gaming and a Bingo Operating Licence will need to be obtained from the Gambling Commission. The aim of this provision is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

## **6. Betting premises**

- 6.1 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Children and young persons are not permitted entry to a premise with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. The Licensing Authority recommends that an applicant for gaming machines in betting premises considers carefully the location of betting machines to ensure that they are not in sight of the entrance of the premises.
- 6.2 Betting machines - this Licensing Authority will, as per the Gambling Commission's Guidance to Licensing Authorities, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number / nature / circumstances of betting machines an Operator wants to offer.

## **7. Tracks**

- 7.1 Note: there are currently no tracks operating in the district - however this Statement of Principles contains provision for the event of such a premise.
- 7.2 This Licensing Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance to Licensing Authorities, this Licensing Authority will especially consider the impact upon the third Licensing Objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.3 This Licensing Authority will therefore expect the Premises Licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and / or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.4 This Licensing Authority may consider measures to meet the Licensing Objectives such as:
  - proof of age schemes
  - CCTV

- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

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

- 7.5 Gaming machines – where the applicant holds a Pool Betting Operating Licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded
- 7.6 Betting machines - this Licensing Authority will, as per the Gambling Commission’s Guidance to Licensing Authorities, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number / nature / circumstances of betting machines an Operator wants to offer.
- 7.7 Applications and plans – the Act (Section 151 (g)) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgment about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity. (See the Gambling Commission’s Guidance to Licensing Authorities, paragraph 20.28.)
- 7.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See the Gambling Commission’s Guidance to Licensing Authorities, paragraph 20.29.)
- 7.9 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such circumstances, where an entry fee is levied, track Premises Licence holders may erect temporary structures to restrict access to premises. (See the Gambling Commission’s Guidance to Licensing Authorities, paragraph 20.31.)
- 7.10 In the rare cases where the outer perimeter cannot be defined - it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through Occasional Use Notices where the boundary premises do not need to be defined.

(See the Gambling Commission's Guidance to Licensing Authorities, paragraph 20.32.)

- 7.11 This Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans - both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this Licensing Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting area subject to the "five times rule" (commonly known as betting rings), must be indicated on the plan. (See the Gambling Commission's Guidance to Licensing Authorities, paragraph 20.33.)

## **8. Travelling Fairs**

- 8.1 This Licensing Authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair applies on a calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring Authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

## **9. Provisional Statements**

- 9.1 Developers may wish to apply to this authority for a Provisional Statement, before entering into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a Premises Licence. There is no need for the applicant to hold an Operating Licence in order to apply for a Provisional Statement.
- 9.2 Part 8, Section 204 of the Gambling Act 2005 provides for a person to make an application to the Licensing Authority for a Provisional Statement in respect of premises that he / she:
- expects to be constructed,
  - expects to be altered, or
  - expects to acquire a right to occupy.

- 9.3 The process for considering an application for a Provisional Statement is the same as that for a Premises Licence application. The applicant is obliged to give notice of the application in the same way as applying for a Premises Licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.
- 9.4 In contrast to the Premises Licence application, the applicant does not have to hold or have applied for an Operating Licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their Provisional Application is made.
- 9.5 The holder of the Provisional Statement may then apply for a Premises Licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the Premises Licence application, and in terms of representations about Premises Licence applications that follow the grant of a Provisional Statement, no further representations from relevant Authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the Provisional Statement stage, or
  - they reflect a change in the applicant's circumstances.
- 9.6 In addition, the Licensing Authority may refuse the Premises Licence (or grant it on terms different to those attached to the Provisional Statement) only by reference to matters:
- which could not have been raised by objectors at the Provisional Statement stage,
  - which in the Licensing Authority's opinion reflect a change in the Operator's circumstances, or
  - where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

## 10. **Reviews**

- 10.1 Requests for a review of a Premises Licence can be made by Interested Parties or Responsible Authorities. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant Code of Practice issued by the Gambling Commission;

- in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the Licensing Objectives; and
  - In accordance with the Licensing Authority's Statement of Principles.
- 10.2 The request for the review will also be subject to the consideration by the Licensing Authority as to whether the request is frivolous, vexatious or whether it will certainly not cause the Licensing Authority to wish to alter / revoke / suspend the Licence, or whether it is substantially the same as previous representation(s) or request(s) for review.
- 10.3 The Licensing Authority can also initiate a review of a particular Premises Licence, or a particular class of Premises Licence, on the basis of any reason which it thinks appropriate.
- 10.4 Once a valid application for review has been received by the Licensing Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 10.5 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the Licence. If action is justified, the options open to the Licensing Authority are to:
- add, remove or amend a Licence condition imposed by the Licensing Authority,
  - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such a condition,
  - suspend the Premises Licence for a period not exceeding three months, and
  - revoke the licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representation.

- 10.7 In particular, the Licensing Authority may also initiate a review of a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

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

- the licence holder;
- the applicant for review (if any);
- the Gambling Commission;
- any person who made a representation;
- the Chief Officer of Police or Chief Constable;
- HM Commissioners for Revenue and Customs.

## **11. APPEALS**

11.1 There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to Grantham Magistrates' Court.

DRAFT

## **Part C**

### **Permits / Temporary & Occasional Use Notice / Lotteries**

#### **1. Unlicensed Family Entertainment Centre (FEC) gaming machine permits**

- 1.1 Where a premise does not hold a Premises Licence but wishes to provide Category D gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (as per the Gambling Act 2005 Part 10, Section 238).
- 1.2 The Gambling Act 2005 states that a Licensing Authority may prepare a Statement of Principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and / or considering applications, it need not (but may) have regard to the Licensing Objectives and shall have regard to any relevant guidance issued by the Gambling Commission under Section 25.
- 1.3 The Gambling Commission's Guidance to Local Authorities, paragraph 24.7 also states "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
  - that employees are trained to have a full understanding of the maximum stakes and prizes".

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

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

## **2. Alcohol licensed premises gaming machine permits and notifications**

### **2.1 Notifications of 2 or less machines**

There is provision in the Act, for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines of categories C and / or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
- gaming has taken place on the premises that breaches a condition of Part 12, Section 282 of the Act
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

### **2.2 Permits for 3 or more machines**

If a premises wishes to have more than 2 machines then it needs to apply for a permit, and the Licensing Authority must consider that application based upon the Licensing Objectives, the Gambling Commission's Guidance to Licensing Authorities, Section 25 and "such matters as they think relevant". This Licensing Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult-only gaming machines. Measures may include the adult-only machines being in sight of the bar or, in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons - applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

2.3 It is recognised that some alcohol-licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre Premises Licence.

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

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

### **3. Prize Gaming**

3.1 The Gambling Act 2005 states that a Licensing Authority may “prepare a Statement of Principles that they propose to apply in exercising their functions under this schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

3.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law
- clear policies that outline steps to be taken to protect children from harm

3.3 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

3.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the Licensing Authority itself cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a monetary prize), or the prescribed value (if a non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

### **4. Club Gaming and Club Machines Permits**

4.1 Members’ clubs and miners’ welfare institutes may apply for a Club Gaming permit or a Club Machine permit. (Commercial Clubs cannot apply for a Club Gaming Permit). The Club Gaming permit will enable the premises to provide gaming machines (3 machines

of categories B, C or D), equal chance gaming and games of chance as set out in regulations. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

- 4.2 The Gambling Commission's Guidance to Licensing Authorities states: "Members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations."
- 4.3 The Gambling Commission's Guidance to Licensing Authorities notes that "Licensing Authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
  - (d) a permit held by the applicant has been cancelled in the previous ten years
  - (e) An objection has been lodged by the Commission or the police."
- 4.4 There is also a 'fast-track' procedure available under the Act (Schedule 12 paragraph 10) for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Gambling Commission's Guidance to Licensing Authorities states, "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced...The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed by regulations under Section 266 of the Act
  - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming
  - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 4.5 There are statutory conditions on Club Gaming permits that no child uses a category B or C machine on the premises and that the

holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

## **5. Temporary Use Notices**

- 5.1 Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence but where a Gambling Operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission's Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of a "set of premises" the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant Operating Licence i.e. a Non-Remote 1968 or 2005 Act Casino Operating Licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 The Licensing Authority has to ensure that the statutory limit of 21 days in a calendar year is not exceeded.
- 5.5 There are a number of statutory limits as regards Temporary Use Notices (Part 9, the Act).
- 5.6 The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## **6. Occasional Use Notices**

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

## **7. Lotteries**

7.1 The Licensing Authority registers and deals with Small Society Lotteries. Promoting or facilitating a lottery falls within one of the following categories:

- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
- Small Society Lotteries (registered with the Licensing Authority); and
- Exempt Lotteries

7.2 Lotteries permitted to be conducted without a Licence from the Gambling Commission are:

- Small Society Lotteries (registered with the Licensing Authority);
- Incidental Non-Commercial Lotteries;
- Private Lotteries (Private Society Lottery, Work Lottery, Residents' Lottery);
- Customer Lotteries

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

7.4 Applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

7.5 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Public Register is completed, the Licensing Authority will notify the applicant of registration.

7.6 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society and in particular may require a copy of the Society's constitution.

- 7.7 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.
- 7.8 The Licensing Authority may revoke the registered status of a Society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 7.9 With regards to where Small Society Lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all Small Society Lotteries it registers:
- tickets should not be sold in a Street. ('Street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping centres)). However,
  - tickets may be sold in a Street from a kiosk, in a shop or door to door.

This approach is consistent with the Operating Licence conditions imposed by the Gambling Commission upon Operators of large lotteries.

## **8. Review**

- 8.1 This Statement of Principles will remain in existence for a period of three years and will be subject to review and further consultation before 14 January 2013. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

## **9. Glossary**

- 9.1 A glossary of terms is attached at Appendix 3

## APPENDIX 1

### Summary of Licensing Authority delegations permitted under the Gambling Act

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of three year Licensing Statement of Principles	All Cases		
Pass a resolution not to permit casinos	All Cases		
Fee setting (when appropriate)			<b>X</b>
Application for Premises Licence (including applications for Re-instatement under S195*)		Representation made and not withdrawn (S154 (4) (a)*)	No representation made or representations have been withdrawn
Application to vary Premises Licence		Representation made and not withdrawn (S154 (4)(b)*)	No representation made or representations have been withdrawn
Application for transfer of Premises Licence		Representation made by the Commission (S154 (4) (c)*)	Where no representations received from the Commission
Application for a Provisional Statement		Representation made and not withdrawn (S154 (4) (d)*)	No representation made or representations have been withdrawn
Revocation of a Premises Licence (for failure to pay annual fee under S193*)			All Cases

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee of Licensing Committee</b>	<b>Officers</b>
Review of a Premises Licence		<b>X</b>	
Application for Club Gaming/Club Machine Permits		Objection made and not withdrawn (Schedule 12 Paragraph 28 (2)*)	No objection made or objections have been withdrawn
Cancellation of Club Gaming / Club Machine Permits under Schedule 12 Paragraph 21*		<b>X</b>	
Consideration of Temporary Use Notices (including Notices modified under Section 223)		All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary.  All cases where a counter notice may be required (S232 (3)*)	All other cases
Decision to give a Counter Notice to a Temporary Use Notice		All Cases	
Applications for other Permits, Registrations and Notifications			<b>X</b>
Cancellation of Licensed Premises Gaming Machine Permits (Schedule 13 Paragraph 16*)			<b>X</b>

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee of Licensing Committee</b>	<b>Officers</b>
Cancellation of Licensed Premises Gaming Machine Permits for non-payment of fee			<b>X</b>
Registration of Small Society lotteries		Where officers believe there is a reason to refuse the application for registration	All other cases
Cancellation of a Small Society lottery due to non-payment of annual fee			All cases
Consideration of Temporary Use Notice			<b>X</b>
Decision to give a Counter Notice to a Temporary Use Notice		<b>X</b>	

\*Gambling Act 2005

'X' - Indicates at the lowest level to which decisions can be delegated.

**The Sub-Committee of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee, shall be comprised of, normally a minimum of 3 members.**

## **APPENDIX 2**

### **SOUTH KESTEVEN DISTRICT COUNCIL STATEMENT OF PRINCIPLES GAMBLING ACT 2005**

#### **Persons consulted**

##### **Statutory Consultees**

Lincolnshire Police  
Lincolnshire Fire and Rescue  
Environmental Health – Environment Section - SKDC  
Environmental Health – Commercial Section – SKDC  
Health and Safety Executive  
Gambling Commission  
Lincolnshire Safeguarding Children Board  
Building Control – SKDC  
HM Revenue and Customs

##### **Public Bodies**

~~Lincolnshire Primary Care Trust~~  
South Lincolnshire CCG  
South West Lincolnshire CCG  
Lincolnshire County Council (Highways)  
Security Industry Authority  
Lincolnshire County Council (Social Services)  
Lincolnshire County Council (Trading Standards)  
Lincolnshire County Council (Educational Welfare)  
Citizens' Advice Bureau  
Lincolnshire Probation Trust  
Lincolnshire Safeguarding Adults Board

##### **Lincolnshire Authorities**

Lincoln City Council  
North Kesteven DC  
South Holland DC  
West Lindsey DC  
East Lindsey DC  
Boston Borough Council  
North East Lincolnshire Council

##### **Community Consultees**

Bourne Town Council  
Market Deeping Town Council  
Stamford Town Council  
Deeping St James Parish Council

Stamford Civic Society  
Grantham Civic Society  
Nicholas Boles MP  
Stephen Phillips MP  
John Hayes MP  
GamCare  
Addaction  
Samaritans  
Community Lincs  
Relate  
Lincolnshire Credit Union

### **Trade Associations involved in Gaming and Entertainment Industry**

British Beer & Pub Association  
British Institute of Innkeeping  
Campaign for Real Ale  
Pubwatch – Grantham, Stamford and Bourne and The Deepings  
The Bingo Association  
Gamestec  
Association of British Bookmakers Ltd  
Casino Operators' Association  
Racecourse Association  
Business in Sport and Leisure  
British Holiday and Home Parks Association  
British Casino Association  
British Amusements and Catering Trade Association  
Wakley Automatics  
Eastern Automatics  
Hart-Marler Leisure  
Leisure Link  
Peterborough Automatics  
Claremont Automatics  
Keeday Leisure  
Gala Bingo  
Bet Fred  
Coral UK  
Mark Jarvis Betting  
Ladbrooks  
All alcohol licensed premises and registered club premises  
Amusement arcades permit holders in the district

**Document enhancement for the visually impaired available on request. Telephone: (01476) 40 63 00 or email: [licensing@southkesteven.gov.uk](mailto:licensing@southkesteven.gov.uk).**

## APPENDIX 3

### GLOSSARY OF TERMS UNDER THE GAMBLING ACT 2005

Council:	South Kesteven District Council
Applications:	Applications for licences and permits as stated in the Statement of Principles
Notifications:	Notifications of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Act
Premises:	Any place, including a vehicle, vessel or moveable structure
Track Premises Licence	Section 53 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
Operator Licence	Issued by the Council to authorise premises to be used for the activities as defined by Section 150 of the Act
Personal Licence:	Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Act
Family Entertainment Centre	Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Act
Adult Gaming Centre	The Act creates two classes of Family Entertainment Centres: Licensed: which provide category C and D gaming machines and require a premises licence
Gaming Machine	Unlicensed: which provide category D gaming machines in reliance on a Gaming Machine Permit.
Money Prize Machine	Premises which provide category B, C and D gaming machines and require an operating licence and a premises licence.
Non- Money Prize Machine	A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Act  A machine in respect of which every prize which can be won as a result of using the machine is a money prize as defined in regulation 3 (7) of the Categories of Gaming Machine (Amendment) Regulations 2009

	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009. For non-money prize machines in general, the maximum stake (charge for use) must be no more than 30 pence, and the maximum prize value must be no more than £8.</p>
<p>Crane Grab Machine</p>	<p>A crane grab machine is defined as a non-money prize machine in respect of which two conditions are satisfied. The first is that every prize which can be won as a result of using the machine consists of an individual physical object (such as a stuffed toy). The second is that whether or not a person using the machine wins a prize is determined by the person's success or failure in manipulating a device forming part of the machine so as to separate and keep separate one or more physical objects from a group of such objects. The maximum stake may be anything up to and including £1, and the maximum prize value may be anything up to and including £50</p>
<p>Coin Pusher or Penny Fall Machine</p>	<p>These machines are commonly found in seaside arcades and are defined in regulation 2(3) of the Categories of Gaming Machine Regulations 2007 with the additional requirement that the machine be neither a money-prize nor a non-money prize machine. The maximum stake may be anything up to and including 10 pence, and the maximum prize value may be anything up to and including £15 (no more than £8 may be a money prize).</p>
<p>Other Categories of Gaming Machines</p>	<p>A – No category A gaming machines are currently permitted  B1 – Maximum Stake: £2, Maximum Prize: £4000  B2 – Maximum Stake: £100, Maximum Prize: £500 (multiples of £10)  B3 – Maximum Stake: £2, Maximum Prize: £500  B3A – Maximum Stake: £1 Maximum Prize: £500  B4 – Maximum Stake: £1, Maximum Prize: £250  C – Maximum Stake: £1, Maximum Prize: £70  D – Money Prize (other than a coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize: £5  D – Non-money prize (other than crane grab, coin pusher or penny falls machine)) Maximum stake: 30p Maximum Prize: £8  D- Non-money prize (crane grab machine) Maximum stake: £1 Maximum prize: £50  D – Combined money and non-money prize (other than coin pusher or penny falls machine) Maximum Stake: 10p maximum prize: £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)</p>

	<p>Maximum stake: 10p Maximum prize: £15 (of which no more than £8 may be a money prize)</p>
<p>Code of Practice:</p>	<p>Means any relevant code of practice under section 24 of the Gambling Act 2005</p>
<p>Responsible Authority:</p>	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> <li>1. The Licensing Authority in whose area the premises are wholly or mainly situated (South Kesteven District Council);</li> <li>2. The Gambling Commission;</li> <li>3. Lincolnshire Police;</li> <li>4. Lincolnshire Fire and Rescue;</li> <li>5. Planning Department, South Kesteven District Council;</li> <li>6. Environment Health Services (Environmental Protection and Health &amp; Safety) South Kesteven District Council;</li> <li>8. Lincolnshire Safe Guarding Children’s Board, Lincolnshire County Council;</li> <li>9. HM Customs and Excise</li> </ol>
<p>Interested Party:</p>	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</p> <ol style="list-style-type: none"> <li>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> <li>b) Has business interests that might be affected by the authorised activities;</li> <li>c) Represents persons who satisfy a) or b) above.</li> </ol>

DRAFT