

Statement of Principles

Section 349

Gambling Act 2005



RUSHMOOR
BOROUGH COUNCIL



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Section 349
GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

This Statement of Principles has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these documents impact later upon the content of this document it will need to be considered and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.

This Statement of Principles will remain
in force until 31st January 2010

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PART A

1. INTRODUCTION & SCOPE

1.1. INTRODUCTION

- 1.2. The Gambling Act 2005 (the 'Act') provides a new regime for regulating gambling and betting throughout the UK from 1 September 2007.
- 1.3. The Act replaces the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976 and gives new responsibilities for licensing gambling to the Gambling Commission (the 'Commission') and local authorities.
- 1.4. Apart from spread betting and the National Lottery, the Commission will regulate gambling and betting. The Commission's duties will also include licensing of the operators and individuals involved in providing gambling and betting facilities.
- 1.5. Rushmoor Borough Council (RBC), along with other local authorities will be responsible for the licensing of premises where gambling is to take place. RBC will also be responsible for registering small societies' lotteries and issuing various other permits.
- 1.6. This document sets out the policies and principles RBC will apply in carrying out its functions as a licensing authority under the Act.
- 1.7. Although subject to review, the document will be valid for a three-year period from 31st January 2007. Further statements of policy and principles will then be published every three years.

1.8. SCOPE

1.9. Applicability

- 1.10. This document applies to all the functions of RBC (the 'licensing authority') authorised under the Act as set out in **appendix A**.
- 1.11. This document applies to the Borough of Rushmoor only as defined in **appendix B**.

1.12. Status

- 1.13. This document will be used to inform and direct the decision making of the licensing authority, particularly when making decisions on relevant licence applications. It acts as a guide to the considerations and standards to be applied in exercise of its functions together with the

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roles and responsibilities of those to which it may apply. In this context, this document aims to provide guidance and advice to all parties with an interest in licensing issues covered by the Act.

1.14. The document is not intended to be a full and / or authoritative statement of the law or associated guidance and does not in any way constitute professional or legal advice. Any statements contained in this document do not replace, extend, amend or alter in any way whatsoever, the statutory provisions of the Gambling Act 2005 or any subordinate legislation or guidance made / issued in relation to it.

1.15. Matters of interpretation

1.16. The term 'licensing authority' is used throughout this document in recognition of, and in distinction between, the roles and responsibilities placed by the Act upon different services of its corporate authority, Rushmoor Borough Council. The collective terms 'its', 'us', 'our' etc are used interdependently and should be construed accordingly.

1.17. Any reference in this policy to guidance and / or codes of practice include those where the Gambling Commission has used its powers to make such regulations under the Act.

1.18. Any reference in this policy document to any other specified document, information or guidance must be taken to mean a reference to the current and valid copy of that document, information or guidance.

1.19. Interdependencies

1.20. The Gambling Act 2005 places responsibilities on licensing authorities in ways similar to the Licensing Act 2003. Indeed, there are some interdependencies between the two licensing regimes in terms of the framework for decision-making and the procedures that must be followed.

1.21. For this reason, comment will be made throughout this document to distinguish and/or highlight differences between the two licensing regimes, where appropriate.

1.22. Despite the links between the two Acts, while dealing with applications under the Gambling Act 2005, the licensing authority will ensure it follows the procedures that the Act requires and only take into account issues that are relevant to that Act. Care will be taken not to confuse Gambling Act considerations with those relevant to alcohol licensing or planning.

1.23. Disclaimer

1.24. RBC accepts no responsibility for any errors, omissions or misleading statements on these pages, or any site to which these pages refer. In

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particular, it must be noted that, although every effort has been made to ensure that the information in these pages is correct, changes in the law and the nature of implementation of the Act mean that the information in these pages cannot be guaranteed as accurate.

1.25. DECLARATION

- 1.26. In preparing this document, RBC has considered the licensing objectives of the Act, together with guidance and codes of practice issued by the Gambling Commission. It has also consulted with and considered the responses made by the individuals, agencies and organisations set out in **appendix C**.
- 1.27. This policy document was approved and adopted by Full Council meeting of RBC on the **29th March 2007**.

PART B

2. GENERAL PRINCIPLES

2.1. FUNDAMENTAL PRINCIPLES

- 2.2. In carrying out its functions, the licensing authority will at all times regulate gambling in the public interest.
- 2.3. The licensing authority will consider objectively any application, representations and/or the conditions / circumstances at premises (in which it may have a legitimate interest) on its own individual merits.
- 2.4. In applying these principles, the licensing authority reserves the right to, and will, where it is entitled to do so, use its discretion and / or depart from this statement of policy and any other guidance issued by the Commission, where appropriate. However, such discretion and departure will only take place where it is considered right to do so in view of the individual circumstances of the case and where there are strong and defensible reasons for doing so. In any such case, the licensing authority will clearly express and explain its reasons.

2.5. LICENSING OBJECTIVES

- 2.6. In exercising most of its functions under the Gambling Act 2005, the licensing authority will have regard to the licensing objectives contained in the Act.
- 2.7. The licensing objectives are:
 - (a) to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - (b) to ensure that gambling is conducted in a fair and open way; and
 - (c) to protect children and other vulnerable people from being harmed or exploited by gambling.

NB: These licensing objectives are different to those defined in the Licensing Act 2003 and do not include considerations of public safety or prevention of public nuisance.

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

2.9. Where an area is noted for particular problems with crime or disorder, the licensing authority will consider carefully whether gambling facilities are suitable to be located there and / or whether specific controls / conditions need to be applied to prevent premises from becoming a source of crime or disorder, such as provision of door supervisors.

2.10. However, the licensing authority recognises adequate legislation already exists to prevent general nuisance and antisocial behaviour. Therefore, the licensing authority does not intend to (and cannot) use the Act to deal with such issues.

2.11. The term 'disorder' shall therefore be taken to mean an activity that is more serious and disruptive than mere nuisance.

2.12. In this context, while subject to the facts and their degree, the licensing authority considers that activities / incidents could be serious enough to constitute disorder if Police assistance is required to deal with it. The licensing authority may also consider other factors, such as how threatening the behaviour was in any particular incident to those who could see or hear it.

2.13. The licensing authority will also consider any comments made by the Police.

2.14. To ensure gambling is conducted in a fair and open way

2.15. As regards premises licences (apart from track premises licences), the licensing authority does not generally expect to be concerned with ensuring that gambling is conducted in a fair and open way in licensed premises. This is addressed through the operating and personal licences issued by the Commission.

2.16. As betting track operators do not need an operating licence, the licensing authority may, in certain circumstances, consider controls and conditions of the licence concerning the suitability of the environment in which betting takes place. Details about track premises licences can be found at **appendix G**.

2.17. The licensing authority will also pay attention to the information that is made available to customers using gambling facilities that are regulated by permits.

2.18. In all cases where appropriate, the licensing authority will advise the Commission of any evidence to suggest that this objective is not being met.

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2.19. To protect children and other vulnerable people from being harmed or exploited by gambling

2.20. While the term is subject to wide interpretation, the licensing authority shall generally take any reference to ‘vulnerable people’ as including 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 impairment, alcohol or drugs.

2.21. Taking account of the facts and their degree, the licensing authority shall generally take any reference to the term ‘from being harmed or exploited by gambling’ as meaning preventing children and vulnerable people from taking part in, or being in close proximity to, gambling and, in particular, from entering adult-only environments. The licensing authority may also take this term to mean the restriction and/or control of advertising so that gambling, its products and / or facilities are not aimed at, or advertised in such a way that makes them attractive to, children and vulnerable people in appropriate circumstances.

2.22. The licensing authority will therefore consider if specific measures are required at particular premises, relating to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc. The licensing authority may also consider the location of premises in the context of protecting children and vulnerable persons.

2.23. GENERAL PRINCIPLES ON THE USE OF PREMISES

2.24. Where appropriate, the licensing authority will generally aim to permit the use of premises for gambling in so far as it thinks it is:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
- (b) in accordance with any guidance issued by the Gambling Commission;
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above); and
- (d) in accordance with this statement of licensing policy (subject to (a), (b) and (c) above).

2.25. Location

2.26. The location of premises will only be commented on if the location relates to the licensing objectives. The licensing authority will consider very carefully applications for premises licences, permits and other

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authorities relating to certain gambling premises that are located close to:

- (a) Schools and establishments for young persons;
- (b) Young offenders premises;
- (c) Centres established for helping people with a gambling addiction;
- (d) Centres for vulnerable adults; and
- (e) Residential areas where there are a high concentration of families with children.

2.27. GUIDANCE & REFERENCE

2.28. In exercising its functions, the licensing authority will, where appropriate, have regard to:

- (a) the Gambling Act 2005 and any associated Regulations issued by the Secretary of State.
- (b) to any codes of practice, guidance and advice issued by the Gambling Commission.

2.29. Applicants and other interested parties may also wish to consider information offered by the Department of Culture, Media and Sport (DCMS) and / or make reference to information on our website www.rushmoor.gov.uk.

2.30. OTHER PRINCIPLES

2.31. Subject to the above, the licensing authority will generally not take into account any matter(s) not related to gambling and the licensing objectives.

2.32. Need, demand & competition

2.33. Generally, the licensing authority does not consider that need (i.e. the commercial demand for gambling facilities), or competition between rival operators are relevant to its functions under the Act. The licensing authority considers this to be a matter for the market. Need, demand and competition will only be considered if it is relevant to the licensing objectives.

2.34. Morality of gambling

2.35. The licensing authority does not generally consider moral objections to gambling as being relevant to its functions under the Act. This extends to the dislike of gambling, and (with the exception of casino resolution

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powers and / or reasons linked to the licensing objectives) general notions that it is otherwise undesirable to allow gambling premises in a particular area.

2.36. Equality & diversity

2.37. Subject to the requirements of the Act, nothing in this statement of policy shall:

- (a) override the right of any person to make an application under the Act and to have that application considered on its merits.
- (b) undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

3. DUPLICATION & OTHER LEGISLATION

3.1. GENERAL

3.2. So far as is reasonable, the licensing authority will avoid duplicating other regulatory regimes, including planning.

3.3. OTHER LEGISLATION

3.4. In respect of the above, the licensing authority considers that it is for operators to ensure that their premises comply with all other relevant legislation, such as fire safety, health & safety, food safety, planning and building law.

NB: This list is not exhaustive, and applicants must ensure that they comply with all other regulatory regimes in respect of their premises, employees and the public.

3.5. PLANNING PERMISSION AND BUILDING REGULATIONS

3.6. The licensing authority recognises that there should be a clear separation of the planning and licensing systems and asserts that licensing applications will be viewed independently of planning applications in all cases.

3.7. Licensing applications are not, and will not be treated as a re-run of planning applications. The licensing authority will not normally therefore cut across decisions taken by the planning authority.

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- 3.8. In line with this policy, the licensing authority will not take account of matters unrelated to gambling and the licensing objectives. Therefore, the licensing authority will not speculate on, or otherwise take into account, the likelihood of any proposal being granted permission under planning or building law. It should be noted however, that applicants cannot obtain a full premises licence until the premises where it is proposed to offer gambling are fully constructed (however they could apply for a provisional statement). In all relevant cases, it will be a question of fact and degree whether premises are finished / completed to the extent that they can be considered for a licence.

4. ADMINISTRATION ISSUES

4.1. DATA PROTECTION & EXCHANGE OF INFORMATION

- 4.2. The licensing authority will act in accordance with the provisions of the Gambling Act 2005 with respect to the exchange of information between it, the Gambling Commission and other agencies. The licensing authority will ensure the principles of the Data Protection Act 1998 are not contravened.
- 4.3. The licensing authority will consider any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 4.4. The licensing authority will also consider any protocols that may be established from time to time relating to information exchange. Any such protocols will be made available on our website www.rushmoor.gov.uk.
- 4.5. The licensing authority may use the information submitted on any application, form of representation or other such notice provided for under the terms of the Act for the purpose of its statutory function(s).
- 4.6. The licensing authority may disclose all such information to the agents, service providers and / or other Services (departments) of its corporate authority; namely Rushmoor Borough Council.
- 4.7. Individuals that we hold information about have the right to ask for a copy of the information that the licensing authority holds about them (for which we may charge a fee) and to correct any inaccuracies held.

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4.8. By making an application, representation or notice all individuals and bodies consent to the licensing authority to use and process sensitive and / or personal data about them where this is necessary.

4.9. DETAILS OF INDIVIDUALS MAKING REPRESENTATIONS

4.10. The licensing authority will, as far as is reasonably practicable, remove the personal details (e.g. name(s) and address(es)) of individuals making representation(s) about an application from any public documents that it may produce.

4.11. However, the licensing authority recognises that it is a matter of natural justice that the applicant and his/her representative(s) are able to identify and locate those making representations about the premises concerned. Therefore, unless specifically requested not to disclose personal details, the personal details of anyone making representations will be released to the applicants and/or their representative(s).

4.12. Those who specifically request the licensing authority not to disclose their personal details should be aware that their representation(s) may carry substantially less weight at any subsequent / associated hearing.

4.13. LICENSING REGISTER

4.14. Subject to regulations by the Secretary of State, the licensing authority shall maintain a public register of all premises licences and permits that it issues, together with other prescribed information.

4.15. Any public register will be made available electronically on our website www.rushmoor.gov.uk and in hard copy format at Rushmoor Borough Council, Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU.

4.16. Any member of the public has the right to ask for a copy of the information on the register (for which we may charge a fee).

5. DELEGATION

5.1. LICENSING AUTHORITY DELEGATION

5.2. The licensing authority shall carry out its functions in line with the following scheme of delegation:

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Matter to be dealt with	Full Council	Licensing Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for variation of a premises licence		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Review of a premises licence		X	
Application for club gaming / club machine permits		Where objections have been made (and not withdrawn)	Where no objections made or objections have been withdrawn
Cancellation of club gaming / club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X – indicates the lowest level to which decisions can be delegated.

PART C

6. PREMISES LICENCES

6.1. WHAT WE MEAN BY ‘PREMISES LICENCE’

6.2. Subject to the definitions and exemptions under the Act, a premises licence may authorise premises to be used as a casino, for playing bingo, for making certain gaming machines available or for betting. Unless requested for a limited period, a premises licence remains valid indefinitely until surrendered or otherwise terminated.

6.3. The following types of premises licence are available:-

- (a) Adult Gaming Centres;
- (b) (Licensed) Family Entertainment Centres;
- (c) Casino;
- (d) Bingo premises;
- (e) Betting premises; and
- (f) Track.

6.4. WHAT WE MEAN BY ‘PREMISES’

6.5. Subject to the definitions and exemptions under the Act, premises are taken to mean ‘any place’ (including a vessel and a vehicle and premises within premises).

6.6. CONSIDERATION OF PREMISES LICENCE APPLICATIONS

6.7. Multiple premises licences and multi-purpose premises

6.8. Although different premises licences cannot apply to a single premises at different times (except for tracks), the licensing authority recognises that a single building may have more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

6.9. In these cases, the licensing authority will consider if different parts of a building can be properly regarded as being separate premises based on the facts and their degree. Areas of a building that are artificially or temporarily separate will not generally be regarded as different premises.

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- 6.10. The licensing authority will take particular care in considering applications for / where multiple licences for / in a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In such cases, the licensing authority will seek to ensure that entrances and exits from parts of buildings covered by one or more licences are separate, identifiable and such that people are unable to drift into / between gambling areas.
- 6.11. The licensing authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be (un)licensed). In such cases, the licensing authority may also consider the compatibility of the establishments concerned, accessibility by children and the ability to comply with the requirements of the Act.
- 6.12. In this context, the licensing authority may also consider if the co-location of the premises with other facilities has the effect of creating an arrangement that otherwise would, or should be restricted / prohibited under the Act.

6.13. OTHER GENERAL CONSIDERATIONS

- 6.14. The licensing authority will also consider the general policy considerations / conditions given above, together with the premises specific issues given in **appendices E to J**.

6.15. DETERMINATION OF PREMISES LICENCE APPLICATIONS

- 6.16. The licensing authority will generally aim to permit the use of premises for gambling in so far as it thinks it is:
- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
 - (b) in accordance with any guidance issued by the Gambling Commission;
 - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above); and
 - (d) in accordance with this statement of licensing policy (subject to (a), (b) and (c) above).
- 6.17. Given the above, the licensing authority will determine applications for a premises licence in accordance with the Gambling Act 2005 and associated regulations, as well as any relevant mandatory conditions (i.e. those that must be included) and/or default conditions (which the licensing authority may exclude and/or substitute with alternatives in appropriate circumstances).

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- 6.18. The licensing authority may also impose, or seek to impose, such other conditions as may be appropriate, where entitled to do so. Such conditions may apply in relation to premises generally or in relation to a specified part of the premises.
- 6.19. Given the above, the licensing authority will not usually turn down an application for a premises licence where relevant representations can be dealt with through the use of conditions attached to the licence.

7. REPRESENTATIONS RESPONSIBLE AUTHORITIES & INTERESTED PARTIES

7.1. GENERAL

- 7.2. When dealing with applications for, and reviews of, premises licences, the licensing authority may consider representations from two categories of individual(s) / bodies. These are referred to as *'responsible authorities'* and *'interested parties'*.
- 7.3. It should be noted that the term *'responsible authority'* and *'interested party'* are defined differently to those defined in the Licensing Act 2003.

7.4. RESPONSIBLE AUTHORITIES

7.5. What we mean by 'responsible authority'

- 7.6. *'Responsible authorities'* are public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences.

7.7. Responsible authority concerning the protection of children from harm

- 7.8. In exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the licensing authority will consider the following principles:
- a) the body is competent to advise the authority about the protection of children;
 - b) the need for the body to be responsible for an area covering the whole of the licensing authority's area; and

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- c) the need for the body to be answerable to democratically elected people, rather than any particular vested interest group; and
- d) the need for the body to co-ordinate arrangements for responsive work to protect children via a multi agency approach.

7.9. On consideration of these principles, the licensing authority designates Hampshire County Council Social Services as the body that is competent to advise it about the protection of children.

7.10. Having regard to the above principles, the body designated to advise the licensing authority about the protection of children may be revised from time to time.

7.11. Further information about responsible authorities

7.12. A full list of all the responsible authorities, together with their contact details can be found at **appendix D**. The list will be maintained on our website (www.rushmoor.gov.uk) and / or shall be made available on request by contacting our licensing team via telephone 01252 398398 or email at licensing@rushmoor.gov.uk.

7.13. INTERESTED PARTIES

7.14. What we mean by ‘interested parties’

7.15. ‘Interested parties’ are people who may make representations to the licensing authority.

7.16. In accordance with Section 158 of the Gambling Act 2005, interested parties are individuals who, in the opinion of the licensing authority:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities; or
- b) have business interests that might be affected by the authorised activities; or
- c) represent people in either of those two groups.

7.17. What we mean by ‘live sufficiently close’

7.18. In determination of whether a party is an ‘interested party’ by virtue of paragraph 7.16(a) above (i.e. to live sufficiently close to the premises to be likely to be affected), the licensing authority will take the following factors into account:

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- a) the size of the premises;
- b) the nature of the premises;
- c) the nature of the activities being proposed;
- d) the distance of the premises from the location of the person making the representation(s);
- e) the potential impact of the premises, such as number of customers, likely routes taken by those visiting the establishment; and
- f) the circumstances and nature of the complainant.

7.19. With reference to 7.18(d) above, the licensing authority will consider that the term *'live sufficiently close to the premises to be likely to be affected'* may have different meanings for different interested parties, e.g. a private resident, a residential school for children with problems or a residential hostel for vulnerable adults.

7.20. With reference to 7.18(e) above, any consideration of the circumstances and / or nature of the complainant will be confined to the interests of the complainant (which may be relevant to the distance from the premises concerned). It will not include the personal characteristics of the complainant.

7.21. What we mean by 'business interests that might be affected'

7.22. To decide if someone is an *'interested party'* by virtue of paragraph 7.16(b) above, the licensing authority will need to be satisfied that a relevant business interest is likely to be affected.

7.23. The term *'business interests'* will normally be given the widest possible interpretation and shall include partnerships, charities, faith groups, medical practices etc. The licensing authority will not usually take account of representations made by a rival operator, anywhere in the country, simply because they are in competition within the same gambling sector.

7.24. The factors that the licensing authority will take into account when determining what *'business interests that could be affected by authorised activities'* means (in each case) include:

- a) the size of the premises;
- b) the catchment area of the premises i.e. how far people travel to visit; and
- c) whether the person making the representation has business interests in that catchment area that might be affected.

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7.25. Representatives and democratically elected representatives

- 7.26. For those who may represent interested parties under 7.16(c) above, the licensing authority will normally require written evidence that the representative(s) (e.g. advocate(s) / relative(s) etc) are authorised to represent the interested party concerned. A letter from the interested party will normally be sufficient.
- 7.27. Interested parties may include trade associations, trades unions, residents' and tenants' associations etc, providing they can demonstrate that they represent someone who would be classed as an interested party in their own right.
- 7.28. Democratically elected councillors and MPs may represent interested parties, providing they do not also sit on the Licensing & General Purposes Committee or Sub-Committee dealing with the licence application concerned. Interested parties wanting to approach councillors and/or councillors wanting to represent their views should take care to avoid any such conflict of interest. If there are any doubts, please contact Legal or Democratic Services at Rushmoor Borough Council.
- 7.29. Democratically elected councillors and MPs may be an interested party in their own right, whether or not they make representations for, and on behalf of, or otherwise represent, one or more of their constituents. However, councillors who want to represent their own views should take care to avoid any conflict of interest. If there are any doubts, please contact Legal or Democratic Services at Rushmoor Borough Council.
- 7.30. Democratically elected representatives such as councillors and MPs will not normally need to provide evidence of being asked to represent an interested party, so long as the councillor or MP concerned represents the ward of that interested party.

7.31. Determination of interested parties

- 7.32. The considerations outlined in this part are not exhaustive and therefore, the licensing authority will not apply rigid rules to its decision-making in determining an interested party. Each case will be decided objectively on its own merits, considering the facts and their degree and not on the basis of any political judgement.
- 7.33. In all cases, the licensing authority will consider anything an interested party, or that party's representative, say about his or her status to make representations.
- 7.34. In borderline cases, where it is arguable if a party is an interested party, the benefit of the doubt will be given to the party making representation(s), until the contrary can be shown.

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7.35. Further information about interested parties

7.36. Details concerning interested parties will be available on our website (www.rushmoor.gov.uk), or on request by contacting our licensing team by telephone 01252 398398 or email at licensing@rushmoor.gov.uk.

7.37. MAKING REPRESENTATIONS

7.38. In the absence of any regulations to the contrary, the licensing authority will normally expect all representations to be made in writing, setting out the name and address of the person / organisation making it and the premises to which it refers. It should also set out the reasons for making it and the licensing objectives or point of issue to which it relates.

7.39. However, the licensing authority encourages any party considering making representations to discuss and, where appropriate, negotiate suitable mitigating arrangements and/or possible conditions of licence with the applicant before submitting such representations.

7.40. Where representations are made, the licensing authority will take care to distinguish between (and firstly determine) whether or not the representation is admissible (i.e. made by an interested party / responsible authority) and (secondly), if the representation is relevant.

7.41. Where both these criteria are satisfied, it will be a matter for the licensing authority to determine what weight to attach to any relevant representation.

7.42. Relevant representations

7.43. In all cases, the licensing authority will only consider representations from responsible authorities and interested parties that are relevant.

7.44. **‘Relevant representations’** are likely to be those that relate to the licensing objectives, or that otherwise raise issue(s) under this policy statement, or the Commission’s guidance or codes of practice.

7.45. Non-relevant representations

7.46. Any representations made by individuals / bodies other than responsible authorities or interested parties will not be accepted or considered.

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7.47. The licensing authority will not usually consider representations to be relevant if they only relate to demand, competition or the need for gambling facilities.

7.48. The licensing authority will not consider representations that are frivolous, vexatious or those that would not otherwise influence the authority's determination of the application. This will generally be a matter of fact given the circumstances of each individual case. However, in deciding if representations fall within these terms, the licensing authority will consider:

- a) who is making the representation, and whether there is a history of making representations that are not relevant;
- b) if the representation(s) raise(s) a 'relevant' issue; or
- c) if the representation(s) raise(s) issues specifically to do with the premises that are the subject of the application.

7.49. For this purpose, a vexatious representation is generally taken to mean one that is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to mean one that is lacking in seriousness, or is unrelated to either the licensing objectives, the Commission's guidance or codes of practice or this statement of policy.

7.50. Representations made by responsible authorities

7.51. Although it recognises their legitimate interest in premises, the licensing authority will not take into account the concerns of responsible authorities in relation to their own roles, functions and responsibilities where they are not relevant to an application, the licensing objectives and/or some other point of issue with guidance, codes of practice and/or this policy.

7.52. Determination of the relevance of representations

7.53. The considerations outlined in this part are not exhaustive and therefore, the licensing authority will not apply rigid rules to its decision-making in determining the relevance of representations. Each case will be decided objectively on its own merits on consideration of the facts and their degree and not on the basis of any political judgement.

7.54. In all cases, the licensing authority will take account of anything a responsible authority, an interested party, or people representing them, say about their representation(s).

7.55. In borderline cases, where it is arguable if a representation is a relevant representation, the benefit of the doubt will be given to the party making representation(s), until the contrary can be shown.

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7.56. Further information about representations

- 7.57. Details on how to make representation(s) will be available on our website (www.rushmoor.gov.uk), or on request by contacting our licensing team by telephone 01252 398398 or email at licensing@rushmoor.gov.uk.
- 7.58. Representations can be made in writing to Rushmoor Borough Council, Environmental Health Services, Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU.

8. CONDITIONS

8.1. CONDITIONS ON PREMISES LICENCES

- 8.2. Where there is discretion in its power to impose conditions, the licensing authority will not generally attach conditions that limit the use of premises for gambling except where it is necessary as a result of the requirement to act:
- (a) in accordance with the Gambling Commission guidance, codes of practice or this policy statement; or
 - (b) in a way that is reasonably consistent with the licensing objectives.
- 8.3. Where conditions are imposed, the licensing authority will ensure they are proportionate to the circumstances they are intended to address and otherwise ensure that they are:
- (a) relevant to the need to make the proposed building suitable as a gambling facility;
 - (b) directly related to the premises and the type of licence applied for;
 - (c) fairly and reasonably related to the scale and type of premises; and
 - (d) reasonable in all other respects.
- 8.4. The licensing authority will not issue conditions on premises licences which:

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- (a) make it impossible to comply with an operating licence condition;
 - (b) relate to gaming machine categories, numbers, or methods of operation;
 - (c) requires membership of a club or body; and
 - (d) imposes conditions in relation to stakes, fees, winnings or prizes.
- 8.5. In all cases, decisions on individual conditions will be made on a case by case basis, although there are a number of measures this licensing authority will consider for different premises licences where there is a perceived need (such as the use of supervisors, appropriate signage for adult only areas etc).
- 8.6. The general policy considerations and conditions the licensing authority is likely to apply in different circumstances are given below. Further premises-specific policy considerations and conditions are given in **appendices E to J**.
- 8.7. Where discretion to impose conditions exists, reasons will be given for imposing any condition(s) on a licence. Duplication with other statutory or regulatory regimes will be avoided so far as is reasonably practicable.
- 8.8. APPLICANT SUGGESTIONS**
- 8.9. Even though the licensing authority has the ability to impose conditions, the applicant is expected to offer his/her own suggestions as to way in which the licensing objectives can be effectively met.
- 8.10. To this end, the licensing authority recommends that applicants carry out a thorough assessment of each of the licensing objectives before preparing their applications / volunteering conditions.
- 8.11. The licensing authority recommends that applicants also consider the general policy considerations / conditions given above, together with the premises specific issues given in **appendices E to J**.
- 8.12. Applicants are advised to consult on their proposals with the licensing authority and other responsible authorities at the earliest possible opportunity. However, it must be noted that these authorities are not responsible for drawing up applications, which remain the sole responsibility of the applicant. It is for the applicant to consider if and how to address the issues outlined in this document.
- 8.13. Any suggested / volunteered conditions should be precise, clear, unambiguous and enforceable; being realistic and within the control of the applicant / operator / management of the premises.

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8.14. GENERAL POLICY CONSIDERATIONS / CONDITIONS

8.15. Conditions in respect of gaming machines

8.16. Where category C (or above) gaming machines are available in premises where children can enter, the licensing authority will generally seek to impose conditions (as are appropriate) to ensure that:

- (a) gaming machines are located in an area of the premises which is separated from the rest of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance;
- (b) only adults are admitted to the area where these machines are located;
- (c) access to the area where the machines are located is suitably supervised;
- (d) the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- (e) at the entrance to and inside any such areas there are prominently displayed notices showing that access to the area is prohibited to persons under 18.

8.17. Conditions in respect of the protection of children

8.18. In relation to the protection of children, the licensing authority will, where appropriate, carefully consider the configuration of any building(s), particularly in multi-purpose developments and, where appropriate, seek measures that:

- (a) prevent children from participating in gambling, or being invited to gamble where this is not permitted by law;
- (b) prevent children from having accidental access to, or to observe closely, gambling; and
- (c) make sure entrances and exits from parts of a building covered by one or more licences are separate, identifiable and such that the separation of different premises is not compromised and people are unable to drift into / between gambling areas.

8.19. Other conditional considerations

8.20. On consideration of the licensing objectives, the licensing authority may consider it appropriate for people operating gambling premises (particularly those in buildings subject to multiple premises licences) to:

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- (a) supervise entrances;
- (b) segregate gambling from non-gambling areas used by children;
- (c) supervise gaming machines in non-adult gambling specific premises.

8.21. Door supervisors

- 8.22. On consideration of the licensing objectives, and with reference to 8.20(a) and 8.20(c) above, the licensing authority may consider the need to provide door supervisors at particular premises where appropriate and proportionate.
- 8.23. With the exception of casinos and bingo premises (being exempt from security industry authority (SIA) licensing requirements), individual(s) employed to carry out a security activity (within the meaning of the Private Security Industry Act 2001) must be licensed by the Security Industry Authority (SIA).
- 8.24. The licensing authority recognises that this does not prevent consideration of other supervisory activities falling outside of the Private Security Industry Act 2001 by non-SIA licensed individuals. However, the licensing authority will generally expect such individuals to be suitably trained.

9. REVIEWS OF PREMISES LICENCES

9.1. WHAT WE MEAN BY ‘REVIEW’

- 9.2. The purpose of a review is to determine whether the licensing authority should take any action(s) relating to an existing premises licence.

9.3. WHAT MAY HAPPEN FOLLOWING REVIEW

- 9.4. If action is justified on review, the licensing authority may:
- (a) revoke the licence;
 - (b) suspend the premises licence for a period (not more than three months);
 - (c) exclude a default condition, or remove or amend such an exclusion; and
 - (d) add, remove or amend a licence condition imposed by the licensing authority.

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9.5. APPLYING FOR REVIEW

- 9.6. An application for a review may be made by a responsible authority, an interested party and, in appropriate circumstances, by the authority itself. It is, however, a matter for the licensing authority to decide if a review should be done.
- 9.7. Generally, the licensing authority will grant an application for a review, but may refuse it if it thinks that the grounds on which the review is sought:
- (a) are not relevant to the principles that must be applied by the licensing authority in line with the Commission guidance and / or codes of practice, this policy statement or the licensing objectives;
 - (b) raise general objections to gambling as an activity, that is likely to be irrelevant to the principles contained in (a) above;
 - (c) are frivolous (see also 7.49);
 - (d) are vexatious (see also 7.49);
 - (e) the grounds will certainly not cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
 - (f) are substantially the same as reasons given in a previous application relating to the same premises; or
 - (g) are substantially the same as representations made at the time the application for a premises licence was considered.
- 9.8. With reference to paragraphs 9.7(a), the licensing authority considers that general objections to gambling as an activity, need, demand and/or competition between gambling premises / facilities are likely to be irrelevant.
- 9.9. With reference to paragraphs 9.7(f) and 9.7(g), the licensing authority will take into account how much time has passed since the earlier application was determined to decide if it is reasonable to rely on this as a reason not to review the licence.
- 9.10. With reference to 9.7(g), the licensing authority believes that a licence should not be reviewed on the basis of the same arguments considered on the granting of the premises licence.

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9.11. LICENSING AUTHORITY REVIEWS

9.12. Unlike the Licensing Act 2003, the licensing authority may ask for a review of a premises licence at its own right. Generally, the licensing authority may start a review of a premises licence on consideration of the use made of the premises, non-compliance with licence conditions, associated complaints and / or disputes, together with matters not otherwise compatible with the licensing objectives. This list is not exhaustive.

9.13. ACTIONS ON REVIEW

9.14. Where it receives and grants a valid application for review, the licensing authority will, subject to regulations, advertise the application and give notice of the intention to start a review to all relevant parties. These notices will specify the grounds on which the application has been made and invite representations about the application by other interested parties and responsible authorities, specifying the dates between which representations can be made.

9.15. Once the last date, by which representations may be made, has passed, the licensing authority will give notice to all relevant parties of a date, time and venue at which a hearing will be held. This is unless the applicant and any person who has made representations consent to the review being conducted without one.

9.16. In deciding what action, if any, should be taken on review, the licensing authority will have regard to any relevant representations so far as it thinks it is:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
- (b) in accordance with any guidance issued by the Gambling Commission;
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above); and
- (d) in accordance with this statement of licensing policy (subject to (a), (b) and (c) above).

9.17. The licensing authority will, as soon as possible, notify its decision on review, together with its reasons to:

- (a) the licence holder;
- (b) the applicant for review (if any);
- (c) the Commission;

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- (d) any person who made representations;
- (e) the chief officer of police or chief constable; and
- (f) Her Majesty's Commissioners for Revenue and Customs.

10. PROVISIONAL STATEMENTS

10.1. WHAT WE MEAN BY 'PROVISIONAL STATEMENT'

- 10.2. The licensing authority is bound to consider provisional statements from people for premises that are expected to be constructed, altered or otherwise acquired / occupied.
- 10.3. Such statements provide some assurance to prospective applicants of the likely granting of a premises licence (i.e. in principle) for the premises when construction, alteration and/or acquisition has been completed.

10.4. PROVISIONAL STATEMENT APPLICATIONS & REPRESENTATIONS

- 10.5. Except for certain criteria, an application for, and the process for consideration of a provisional statement is similar to that of a premises licence and the provisions of this part shall apply in the same way as an application for a premises licence.
- 10.6. Therefore, responsible authorities and interested parties may similarly make representations on applications for provisional statements.
- 10.7. However, in considering an application for a provisional statement, the licensing authority will not speculate on, or otherwise take into account, the likelihood of the proposal being granted permission under planning or building law and / or subsequently being granted an operating licence by the Gambling Commission.

10.8. CONVERTING A PROVISIONAL STATEMENT TO A PREMISES LICENCE

- 10.9. Once a premises has been constructed, altered or acquired, the holder of a provisional statement may subsequently apply to the licensing authority for the necessary premises licence.

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- 10.10. Where it has granted a provisional statement, the licensing authority may be constrained in the matters it can then consider on a subsequent application for a premises licence. No further representations from relevant authorities or interested parties may 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.
- 10.11. The licensing authority may only refuse the premises licence (or grant it on terms different to those attached to the provisional statement) on matters:
- a) which could not have been raised by objectors at the provisional licence stage; or
 - b) which, in the licensing authority's opinion, reflect a change in the operator's circumstances.
- 10.12. The above constraints will not apply where the licensing authority has reason to believe that the premises have not been constructed or altered in line with the plans and information included under the provisional statement. While it will decide such cases objectively on its own merits, the licensing authority believes this to be a question of fact and degree. The licensing authority may therefore check to ensure that the premises have been constructed / altered in accordance with the provisional statement, as may be appropriate.

11. TEMPORARY USE NOTICES

11.1. WHAT WE MEAN BY 'TEMPORARY USE NOTICES'

- 11.2. A temporary use notice (TUN) allows the temporary use of a set of premises (not subject to a premises licence) by a gambling operator to provide facilities for gambling. TUNs may only be granted for use of premises for up to and, no more than a total of, 21 days in a 12 month period and to individuals or companies holding a relevant operating licence (issued by the Commission).
- 11.3. Only prescribed bodies and individuals (including the licensing authority) may object to the proposed TUN. If, within 14 days of the notice being given, no objections are received, the TUN must be endorsed.

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11.4. POLICY CONSIDERATIONS

- 11.5. The licensing authority recognises the statutory limits for Temporary Use Notices. Therefore, the licensing authority will object to TUNs where it appears that the effect of such a notice would be to permit regular gambling in a place that could be described as one set of premises.
- 11.6. In respect of TUNs relating to the same building / site, the definition of premises is different from that used for premises licences and it falls to the licensing authority to decide what constitutes a 'set of premises'. For these purposes, the licensing authority considers that a set of premises is the subject of a temporary use notice if any part of the premises is covered by such a notice. This will be a question of fact and degree in the particular circumstances of each notice given.
- 11.7. In considering if a place falls within a set of premises, the licensing authority will look at, amongst other matters, the ownership, occupation and control of the premises and, in appropriate circumstances, if different units are in fact different sets of premises.
- 11.8. Generally, the licensing authority will disregard any temporary use notice that is lodged with it less than three months and one day before the day on which the gambling event will begin. Any such TUN will be void.
- 11.9. On receiving a temporary use notice, the licensing authority will consider if it should give notice of objection (a counter notice). In considering whether to do so, the licensing authority will take account of the licensing objectives and whether the gambling should take place, or only with modifications.
- 11.10. In all other respects, the principles the licensing authority will apply in consideration of TUNs are the same as those for determining premises licence applications; and that section should be construed accordingly.

12. OCCASIONAL USE NOTICES

12.1. WHAT WE MEAN BY 'OCCASIONAL USE NOTICES'

- 12.2. Occasional use notices (OUNs) can only be issued in relation to tracks and the provision of betting facilities (and not for the provision of gaming machines) for up to and, no more than a total of, eight days in a calendar year.

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12.3. There is no provision for objections to be submitted about OUNs.

12.4. POLICY CONSIDERATIONS

12.5. As there is no provision for objections to be submitted about OUNs, the licensing authority has very little discretion on these notices apart from ensuring that the statutory limit of eight days in a calendar year is not exceeded.

12.6. The licensing authority will however consider the definition of a ‘track’ and if the applicant is permitted to service such a notice. For the purposes of this part, the meaning of track shall not be limited to permanent race courses (such as horse racecourse or dog track), but also any other premises, on any part of which a race or other sporting event takes place or is intended to take place.

PART D

13. PERMITS

13.1. WHAT WE MEAN BY 'PERMITS'

13.2. Generally, permits regulate gambling and the use of gaming machines in specific premises.

13.3. Subject to the definitions and exemptions under the Act, permits are usually required when premises provide a gambling facility in which the stakes and prizes are very low or otherwise when gambling is not the main function of the premises.

13.4. The following types of permit are available:

- (a) (Un-licensed) family entertainment centre gaming machine permits;
- (b) Club gaming permits and club machine permits;
- (c) Prize gaming and prize gaming permits; and
- (d) (Alcohol) licensed premises gaming machine permits.

13.5. DETERMINATION OF PERMIT APPLICATIONS

13.6. Generally, the licensing authority may only grant or reject an application for a permit.

13.7. Generally, the licensing authority cannot attach conditions to such permits, but it may modify them in appropriate circumstances, where it has the power to do so.

13.8. The application standards and considerations it will take into account in determining each type of permit are outlined in the **appendices K to N**.

13.9. Where, on consideration of the above, a permit is granted, the licensing authority will issue the permit as soon as is reasonably practicable.

PART E

14. RIGHTS OF APPEAL

14.1. LICENSING AUTHORITY DECISIONS & RIGHTS OF APPEAL

14.2. The licensing authority is aware that its decisions may be subject to judicial review and appeal in accordance with the provisions of the Act. Accordingly, the licensing authority will:

- (a) give clear and comprehensive reasons for the rejection of any application where there is a requirement in the Act to do so;
- (b) wherever practicable, as a matter of best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so; and
- (c) advise any involved party concerned with the decision of the licensing authority of their rights to appeal.

14.3. MAKING AN APPEAL

14.4. Individuals who want to appeal against any decision made by the licensing authority have the right to appeal to the Aldershot Magistrates' Court at the Court House, Civic Centre, Aldershot, Hampshire, GU11 1NY in 21 days; beginning on the day the person making the appeal was notified by the licensing authority of the decision against which (s)he is appealing.

14.5. FURTHER INFORMATION

14.6. We are advised that a fee must accompany an appeal. While cheques should be made payable to HM Courts Service, the amount payable may change from time to time and appellants are advised to check with the court. Please note an appeal will not be accepted by the Court as validly made until such time as this fee is paid.

14.7. Although advice on the appeal procedure is available from the Clerk to the Court (Tel: 01252 366000), anyone wanting to pursue an appeal is advised to seek independent professional legal advice.

PART F

15. OTHER MATTERS

15.1. TRAVELLING FAIRS

- 15.2. The licensing authority recognises that certain gaming activities / facilities provided by travelling fairs may amount to ancillary amusement(s) at such a fair and therefore do not require authorisation under the Act. Such activities / facilities include the provision of gaming machines (category D only) and / or equal chance prize gaming.
- 15.3. Although it recognises that there are no application or notification requirements, the licensing authority may wish to satisfy itself from time to time that such gambling does not require authorisation under the Act. With respect to the provision of gaming machines at fairs, the licensing authority may also seek to check that the way the machines operate, meet legal requirements.
- 15.4. In all cases, it will fall to the licensing authority to decide whether or not the provision of such (category D) gaming machines and / or equal chance prize gaming at travelling fairs amounts to an ancillary amusement at the fair.
- 15.5. In appropriate cases, the licensing authority will also consider whether a fair falls within the statutory definition of a travelling fair to benefit from this exemption.
- 15.6. The licensing authority recognises that land being used as a fair may only be used on a (statutory) maximum 27 days per calendar year, and that this applies to the piece of land on which fairs are held, regardless of whether it is the same or a different fair occupying the land. The licensing authority will therefore work with neighbouring authorities to ensure that land crossing its boundaries is monitored so as to ensure the statutory limits are not exceeded.

15.7. SMALL SOCIETY LOTTERIES

- 15.8. All lotteries will be regarded as unlawful unless they are run in accordance with an operating licence issued by the Commission or are otherwise exempt and, where appropriate, registered with the licensing authority.
- 15.9. Although various exemptions exist, only small societies will be permitted to register with the licensing authority, and only where the lottery in question is a non-commercial lottery and is established and conducted:

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- (a) for charitable purposes;
- (b) for the purpose of enabling participation in, or of supporting, sport, athletics or other cultural activity; and
- (c) for any other non-commercial purposes (other than private gain).

15.10. Although guidance on the different types of lottery permitted will be made available on our website (www.rushmoor.gov.uk), the licensing authority recommends those seeking to run a lottery take their own legal advice on the type of lottery they propose.

15.11. In exercising its functions relating to small society and exempt lotteries, the licensing authority will consider any Commission guidance.

15.12. The licensing authority will keep and maintain a public register of all applications for registration of small society lotteries and submit relevant information to the Commission.

PART G

16. COMPLIANCE & ENFORCEMENT

16.1. COMPLIANCE

- 16.2. The licensing authority will expect all individuals, businesses and operators etc to comply with the requirements of the Gambling Act 2005 and regulations.
- 16.3. In particular, the licensing authority will expect those to whom it has issued licences and / or other permissions under the Act, to comply with such licences / permits and their conditions.

16.4. MONITORING

- 16.5. To monitor compliance, the licensing authority may investigate complaints and expressions of concern about licensed premises and will adopt a risk-based programme of inspections.
- 16.6. These activities will include the targeting of high-risk premises that require greater attention, while operating a lighter touch for low risk premises that are well managed and maintained.
- 16.7. The criteria that will be used by the licensing authority to assess risk in this respect will be made available on our website (www.rushmoor.gov.uk) once guidance is published.

16.8. ENFORCEMENT

- 16.9. Where necessary to ensure compliance, the licensing authority may take enforcement action. This action will be taken with regard to:-
- (a) Gambling Commission guidance and codes of practice;
 - (b) the principles of the Regulatory Compliance Code;
 - (c) the Council's Enforcement Policy;
 - (d) The enforcement principles set out in 'The Hampton Review – Reducing administrative burdens: effective inspection and enforcement';
 - (e) Guidance and best practice published by other bodies (e.g. The Better Regulation Executive, the Local Authorities Co-ordinators of Regulatory Services etc).

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16.10. In all cases, the licensing authority will endeavour to ensure that inspections and enforcement are carried out with regard to the following principles:

a)	Targeting	-	The licensing authority will focus on problems and seek to minimise side effects.
b)	Proportionality	-	The licensing authority will intervene when necessary, ensuring remedies are appropriate to the risk posed and that costs are identified and minimised.
c)	Accountability	-	The licensing authority will justify its decisions and be subject to public scrutiny.
d)	Consistency	-	The licensing authority will seek to ensure rules and standards are joined up, applied in similar circumstances and are implemented fairly.
e)	Transparency	-	The licensing authority will be open and seek to ensure that rules, standards and regulations are simple and user friendly.

16.11. LIAISON

16.12. The licensing authority will work closely with the Gambling Commission, Police, responsible authorities, neighbouring local authorities and others, as may be appropriate, on any issue of enforcement. It will refer any matter that it finds or that appears to be a contravention of legislation enforced by another authority, to the relevant agency concerned.

16.13. The licensing authority may establish protocols with the local Police, and other enforcing authorities to avoid duplication and enable the most efficient deployment of resources when inspecting premises and / or enforcing licensing law. If enforcement protocols are established with other bodies, then they will be made available on our website www.rushmoor.gov.uk.

16.14. Whether or not enforcement protocols are established, the licensing authority will endeavour to avoid duplication with other regulatory regimes so far as reasonably practicable.

16.15. THE ROLE OF THE GAMBLING COMMISSION

16.16. The licensing authority recognises that in general, the Gambling Commission will be the lead investigative and enforcement body in respect of illegal gambling, the operator (including remote gambling facilities) and personal licences it issues, together with matters concerning the manufacture, supply or repair of gaming machines and other such matters as set out in **appendix A**.

PART H

17. CONSULTATION & PUBLICATION

17.1. CONSULTATION PRINCIPLES

17.2. The licensing authority will consult the following parties on any statement of principles (including revisions) it prepares and seeks to publish.

- (a) The Chief Officer of Police for Hampshire Constabulary;
- (b) One or more people who appear to the authority to represent the interests of those carrying on gambling businesses in the Rushmoor area; and
- (c) One or more people who appear to the authority to represent the interests of those who are likely to be affected by the exercise of the authority's functions under the Act.

17.3. Following consultation and in determining its policy, the licensing authority will always:

- (a) Have regard to the Gambling Commission guidance to licensing authorities; and
- (b) Give appropriate weight to the views of those it has consulted.

17.4. In determining what weight to give to particular representations on its statement, the factors taken into account will include:

- (a) Who is making the representation in terms of their expertise or interest;
- (b) What their motivation may be for their views;
- (c) How many other people have expressed the same or similar view(s);
- (d) How far the representations relate to matters that the licensing authority should be including in its policy statement.

17.5. In all cases, it will be for the licensing authority to ensure that it looks at the views of its consultees and to consider carefully whether, and to what extent, they should be taken into account.

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17.6. Where reasonably practicable, the licensing authority will give reasons for the decisions it has made about comments or representations on its policy following consultation. Where appropriate, it will make the details of these available on request.

17.7. ADVERTISING

17.8. Before publishing a statement or revision, the licensing authority will publish a notice of its intention to do so, no less than two weeks before the statement or revision is to be published. The notice will:

- (a) specify the date on which the statement or revision is to be published;
- (b) specify the date on which the statement or revision will come into effect;
- (c) specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected; and
- (d) be published on the authority's website and in/on one or more of the following places:
 - A local newspaper circulating in the area covered by the statement;
 - A local newsletter, circular, or similar document circulating in the area covered by the statement;
 - A public notice board on or near the principle office of the authority;
 - A public notice board on the premises of public libraries in the area covered by the statement.

17.9. PUBLICATION

17.10. This statement and / or any subsequent revision will be published on our website (www.rushmoor.gov.uk) and be available for inspection at the following locations:-

- (a) Rushmoor Borough Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU; and
- (b) Rushmoor Borough Council Offices, Princes Gardens, High Street, Aldershot, Hampshire GU11 1BH.

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17.11. CONSULTATION

17.12. Having regard to the above, this document was subject to wide consultation between 7th September 2006 and 7th December 2006. A list of those consulted is given at **appendix C** (unsolicited comments not included).

17.13. A full list of the comments made, together with our response is available on request.

17.14. Any comments as regards this policy should be sent to:

Environmental Health Manager (Licensing)
Environmental Health Services
Rushmoor Borough Council
Council Offices
Farnborough Road
Farnborough
Hampshire
GU14 7JU

Tel: 01252 398398
Fax: 01252 524017
Email: licensing@rushmoor.gov.uk

APPENDIX A

18. LICENSING FUNCTIONS

18.1. LICENSING AUTHORITY FUNCTIONS

18.2. This document applies to the functions of Rushmoor Borough Council (RBC) as a licensing authority under the Gambling Act 2005, being authorised to:

- (a) issue premises licences;
- (b) issue provisional statements;
- (c) issue club gaming permits;
- (d) issue club machine permits;
- (e) grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- (f) grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, (where more than two machines are required);
- (g) register small society lotteries (i.e. below prescribed thresholds);
- (h) issue prize gaming permits;
- (i) receive and endorse temporary use notices; and
- (j) receive occasional use notices.

18.3. The licensing authority is also required to provide information to the Gambling Commission regarding details of licences it issues (see section on 'information exchange'), maintain registers of the permits and licences it issues and receive certain notifications.

18.4. GAMBLING COMMISSION FUNCTIONS

18.5. The Gambling Act 2005 authorises the Gambling Commission to.

- (a) issue operating licences;
- (b) issue personal licences, replacing the current certificates of approval;

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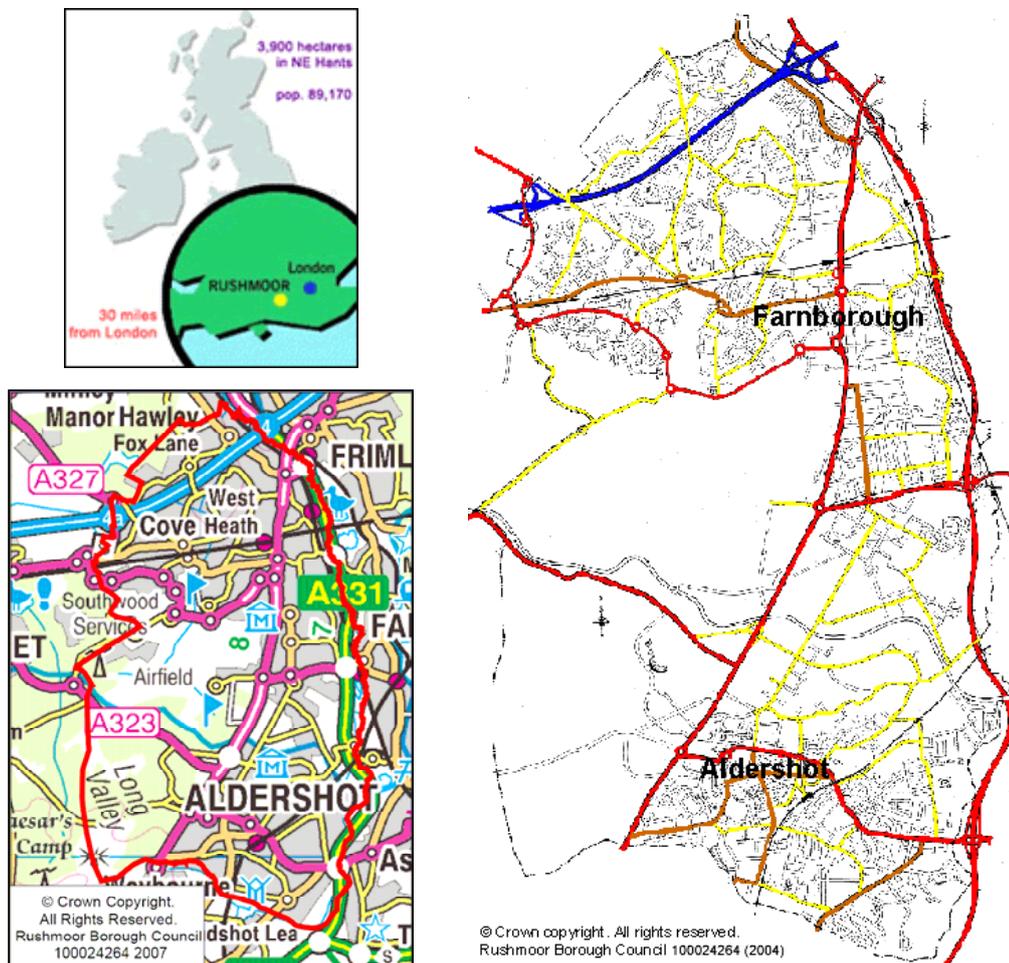
- (c) specify general and specific licence conditions;
- (d) issue codes of practice;
- (e) monitor licence holders to ensure compliance with licences;
- (f) investigate and prosecute illegal gambling and other offences;
- (g) issue guidance to licencing authorities on their functions, including the issuing of premises licences;
- (h) advise the Secretary of State for Culture, Media and Sport on gambling matters.

APPENDIX B

19. THE BOROUGH OF RUSHMOOR

19.1. OVERVIEW

- 19.2. Situated in the north-east corner of Hampshire between the towns of Camberley, Guildford, Fleet and Farnham, Rushmoor is located in the Blackwater Valley and includes the towns of Farnborough and Aldershot.



- 19.3. Only 30 miles from London, the Borough covers an area of 40 square kilometres (3,900 hectares) of a mainly residential and varied light industrial mix. It is home to the British Army and has a domestic population of approximately 90,000 (2001 estimate).

19.4. ADDITIONAL INFORMATION

- 19.5. Further information about RBC and the borough can be found on our website www.rushmoor.gov.uk.

APPENDIX C

20. CONSULTATION

20.1. The following individuals, bodies and organisations have been consulted on this policy.

Advance Housing & Support Ltd	Kossway Automatics Ltd
Aldershot Magistrates' Court	Ladbrooks Betting & Gaming Ltd
Anchor Trust	London & Quadrant Housing Trust Ltd
Association of British Bookmakers	Moat Housing Society Ltd
Bar Entertainment & Dance Association	Netley / Winchester Street Resident's Association
Blackwater Valley & Hart Primary Care Trust	North Hampshire Chamber of Commerce
Bob Webb Racing Ltd	North Town Resident's Association
British Amusement & Catering Trades Association	Pavilion Housing Association
British Beer & Pub Association	Racecourse Association Ltd
British Casino Association	Raglan Housing Association
British Greyhound Racing Board	Ravendive Ltd
British Horseracing Board	RBC Community Services
British Institute of Innkeeping	RBC Democratic & Facilities Service
British Waterways Board	RBC Environmental Health Services
Business in Sport and Leisure	RBC Health & Safety Enforcing Authority
Carnegie Racing (Hants) Ltd	RBC Legal Services
Casino Operators Association	RBC Planning Services
Citizens Advice Bureau	Remote Gambling Association
Committee of Registered Club Associations	Responsibility in Gambling Trust
Coral Bookmakers	Retirement Lease Housing Association
Eden Bookmakers	Rushmoor Crime & Disorder Reduction Partnership
Elles Housing Co-operative Housing Society Ltd	Rushmoor Pubwatch
Empress Estate Residents' Association	Sandy Hill Residents' Association
English Churches Housing Group Ltd	Security Industry Authority
Farnborough Aerodrome Residents' Association	Sentinel Housing Association Ltd
Federation of Licensed Victuallers	Shaftsbury Housing Association
Frankice (Golders Green) Ltd	Society for the Study of Gambling
Frimley Park Hospital Foundation Trust	Southern City Leisure Ltd
Gamblers Anonymous (UK)	Southwood Resident's Association
GamCare	Stanley Racing
Gordon House Association	Stonham Housing Association
Haig Homes	Swaythling Housing Society
Hampshire Constabulary	Thames Valley Charitable Housing Association
Hampshire County Council	The Bingo Association
Hampshire County Council Social Services	The Environment Agency
Hampshire Fire & Rescue Service	The Gambling Commission
Hanover Housing Association	The Lotteries Council
Heronwood Community Association	The Magistrates Association
HM Revenue & Customs	The Working Men's Club & Institute Union
Housing 21	Totland Close Resident's Association
Hyde Housing Association	Tower Housing Association
James Butcher Housing Association	Westend Tenants Association
Joe Jennings Bookmakers Ltd	William Hill Plc

APPENDIX D

21. RESPONSIBLE AUTHORITIES

21.1. By virtue of Section 157 of the Act the responsible authorities are:-

(a) For premises based applications:

The Licensing Authority www.rushmoor.gov.uk	C/o Rushmoor Borough Council Council Offices, Farnborough Road Farnborough, Hampshire GU14 7JU Tel: 01252 398398, Fax: 01252 524017
The Gambling Commission www.gamblingcommission.gov.uk	Victoria Square House, Victoria Square Birmingham B2 4BP Tel: 0121 230 6500
Hampshire Constabulary www.hampshire.police.uk	C/o Admin Office, Aldershot Police Station, Wellington Road Aldershot, Hampshire GU11 1NZ. Tel: 01256 406414
Hampshire Fire & Rescue	C/o Technical Fire Safety Group North West Ham Close, Basingstoke RG22 6PH Tel: 01256 818881, Fax: 01256 818889
The Planning Authority www.rushmoor.gov.uk	C/o Rushmoor Borough Council Council Offices, Farnborough Road Farnborough, Hampshire GU14 7JU Tel: 01252 398398, Fax: 01252 524017
Environmental Health Services www.rushmoor.gov.uk	C/o Rushmoor Borough Council Council Offices, Farnborough Road Farnborough, Hampshire GU14 7JU Tel: 01252 398398, Fax: 01252 524017
HM Revenue & Customs www.hmrc.gov.uk	National Registration Unit Portcullis House 21 India Street, Glasgow G2 4PZ Telephone: 0141 555 3633
Hampshire County Council Social Services www.hants.gov.uk	C/o Aldershot Area Office Old Town Hall, Grosvenor Road, Aldershot GU11 3DP Tel: 01252 314221

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- (b) For applications in respect of vessels, the responsible authorities will, in addition, include:

Hampshire County Council www.hants.gov.uk	C/o The Castle, Winchester Hampshire SO23 8UJ Tel: 01962 870500
The Environment Agency www.environment-agency.gov.uk	South East Area Office Swift House, Frimley Business Park Camberley, Surrey GU16 7SQ Tel: 08708 506 506
British Waterways Board www.britishwaterways.co.uk	Ground Floor, Witangate House 500-600 Witangate, Milton Keynes MK9 1BW Tel: 01908 302500
Secretary of State www.culture.gov.uk	C/o Department for Culture, Media & Sport 2-4 Cockspur Street, London SW1Y 5DH Tel: 020 7211 6200

APPENDIX E

22. ADULT GAMING CENTRES

22.1. WHAT WE MEAN BY ‘ADULT GAMING CENTRES’

22.2. Adult gaming centres are premises licensed to make certain prescribed gaming machines available only to persons aged 18 years or over.

22.3. POLICY CONSIDERATIONS / CONDITIONS

22.4. With respect to applications for an adult gaming centre (i.e. a premises in which certain prescribed gaming machines are to be made available only to people aged 18 years or over), the licensing authority will have particular regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The licensing authority will therefore 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.

22.5. The licensing authority will expect applicants to offer their own measures to meet the licensing objectives, but considers appropriate measures / licence conditions may cover the following matters:

- (a) Proof of age schemes
- (b) Sight of approved age ID cards e.g. passports, PASS etc
- (c) CCTV
- (d) Supervision of entrances / machine areas
- (e) Physical separation of areas e.g. clear barriers
- (f) Location of entry
- (g) Notices / signage
- (h) Specific opening hours
- (i) Self-barring schemes
- (j) Provision of information leaflets / contact details for helpline organisations e.g. GamCare, debt management counsellors etc (preferably in prominent positions and in discrete locations to preserve anonymity)
- (k) Separation of gaming facilities from ATM's.

NB: This list is not mandatory, nor exhaustive, and merely shows examples of possible measures.

APPENDIX F

23. FAMILY ENTERTAINMENT CENTRES

23.1. WHAT WE MEAN BY FAMILY ENTERTAINMENT CENTRES

23.2. Premises licensed to provide certain gaming machines (categories C and D) constitute a licensed family entertainment centre.

23.3. Premises that provide category D gaming machines only are non-licensed family entertainment centres and are regulated through gaming machine permits.

23.4. POLICY CONSIDERATIONS / CONDITIONS

23.5. With respect to Family Entertainment Centres (i.e. a premises in which, subject to certain restrictions, gaming machines are to be made available), the licensing authority will have particular regard to the need to protect children and vulnerable people from harm or being exploited by gambling. The licensing authority will therefore 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 any adult only gaming machines and/or associated gaming areas.

23.6. The licensing authority will expect applicants to offer their own measures to meet the licensing objectives, but considers appropriate measures / licence conditions may cover the following matters:

- (a) CCTV;
- (b) Supervision of entrances / gaming machine areas;
- (c) Physical separation of gaming machines / areas e.g. clear barriers;
- (d) Location of entry;
- (e) Location of adult gaming machines
- (f) Notices / signage;
- (g) Specific opening hours;
- (h) Self-barring schemes;
- (i) Age restriction policy / proof of age schemes;
- (l) Sight of approved age ID cards e.g. passports, PASS etc
- (j) Provision of information leaflets / contact details for helpline organisations e.g. GamCare, debt management counsellors etc (preferably in prominent positions and in discrete locations to preserve anonymity); and
- (k) Measures / training for staff on how to deal with suspected truant school children on the premises
- (l) Separation of gaming facilities from ATM's.

NB: This list is not mandatory, nor exhaustive, and merely shows examples of possible measures.

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- 23.7. In determining any conditions in respect of this part, the licensing authority will, where appropriate, take account of any conditions applying to the operating licence (issued by the Commission) of the premises concerning the delineation / segregation of areas between adult and non-age restricted gaming machines.

APPENDIX G

24. TRACKS

24.1. WHAT WE MEAN BY 'TRACKS'

24.2. Tracks are sites where races or other sporting events take place such as horse race courses, dog tracks etc.

24.3. POLICY CONSIDERATIONS / CONDITIONS

24.4. As an exception to the general rule, the licensing authority is aware that tracks:

- (a) do not require the operator to hold an operators' licence (as usually granted by the Commission); and
- (b) may be subject to one or more premises licences, providing each licence relates to a specified area of the track.

24.5. To ensure clarity between the respective responsibilities of the track operator and any off-course betting operator(s), the licensing authority will prefer that all self-contained premises operated by off-course betting operators on tracks are the subject of a separate premises licence.

24.6. Given the above, and with respect to tracks, the licensing authority will have particular regard to the need to protect children and vulnerable people from being harmed or exploited by gambling. It will seek 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.

24.7. The licensing authority will therefore expect applicants to demonstrate suitable measures to ensure children do not have access to adult only gaming facilities (although children and young people may be allowed to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place).

24.8. The licensing authority will expect applicants to offer their own measures to meet the licensing objectives, but considers appropriate measures / licence conditions may cover the following matters:

- (a) Proof of age schemes
- (b) Sight of approved age ID cards e.g. passports, PASS etc
- (c) CCTV
- (d) Supervision of entrances / machine areas

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- (e) Physical separation of areas e.g. clear barriers
- (f) Location of entry
- (g) Notices / signage
- (h) Specific opening hours
- (i) Self-baring schemes
- (j) Provision of information leaflets / contact details for helpline organisations e.g. GamCare, debt management counsellors etc (preferably in prominent positions and in discrete locations to preserve anonymity)
- (k) Separation of gaming facilities from ATM's.

NB: This list is not mandatory, nor exhaustive, and merely shows examples of possible measures.

24.9. The licensing authority considers that all track operators have an important role to play, for example, in ensuring betting areas are properly administered and supervised. In the absence of an operating licence (as usually issued by the Commission), the licensing authority will also expect applicants to demonstrate suitable measures to ensure the proper conduct of betting.

24.10. With respects to tracks, the licensing authority recognises that they will, generally, be the subject of a betting premises licence, but that a number of subsidiary authorisations may be required for other gambling activities. The following is therefore provided to outline the conditions / considerations the licensing authority may apply in respect of subsidiary activities at tracks.

24.11. Gaming machines at tracks

24.12. Although it recognises that children and young persons are not prohibited from playing certain (category D) gaming machines on a track, the licensing authority will consider the location of gaming machines at tracks. In such respects, applications for track premises licences will need to demonstrate that such machines are located in areas from which children are excluded as may be appropriate (i.e. where applicants hold a pool betting operating licence and are to use their entitlement to four gaming machines).

24.13. The licensing authority is waiting for further guidance further guidance from the Gambling Commission on the location of gaming machines on tracks, together with the considerations that should apply in relation, for example, to supervision of such machines and preventing children from playing them. The licensing authority will have regard to such guidance when published.

24.14. Betting machines at tracks

24.15. In appropriate circumstances, the licensing authority may consider restricting the number and location of betting machines in respect of applications for track betting premises licences.

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24.16. In considering the number, nature and / or circumstances of betting machines an operator wants to offer, the licensing authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor and prevent the use of betting machines by children and young persons or by vulnerable people (it being an offence for those under 18 to bet).

24.17. Condition on rules being displayed at tracks

24.18. The licensing authority is likely to consider and attach conditions to track premises licences requiring the track operator to ensure that the rules are made available to the public by, for example:

- (a) prominently displaying the rules in or near betting areas;
- (b) printing the rules in the race-card; and/or
- (c) making the rules available in leaflet form from the track office.

24.19. TRACK APPLICATIONS AND PLANS

24.20. The licensing authority is waiting for regulations setting-out any specific requirements for applications for premises licences and the submission of associated plans. The licensing authority will have regard to such regulations when they are published.

24.21. In the absence of these regulations, and to ensure that it has a proper understanding of what it is being asked to license, the licensing authority will require applicants to:

- (a) provide detailed plans for the racetrack itself and any area that will be used for temporary 'on-course' betting facilities;
- (b) in the case of dog tracks and horse racecourses indicate the nature, extent and location of any fixed and/or mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities;

24.22. The licensing authority expects that plans make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

APPENDIX H

25. CASINOS

25.1. WHAT WE MEAN BY ‘CASINO’

25.2. A casino is an arrangement whereby people are given the opportunity to participate in casino games i.e. games of chance that are not equal chance gaming.

25.3. POLICY CONSIDERATIONS / CONDITIONS

25.4. ‘No Casinos’ resolution

25.5. The 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. If the licensing authority decides at some future point to pass such a resolution, it will revise this policy statement as may be appropriate, including the details of the resolution and the principles / factors on which it was made.

25.6. Casinos and competitive bidding

25.7. Where it can grant a premises licence for a casino (subject to authorisation by the Secretary of State), the licensing authority is aware that there are likely to be a number of operators which will want to run the casino. In this situation, the local authority will run a ‘competition’ under Schedule 9 of the Gambling Act 2005 and relevant regulations.

25.8. Other casino considerations / conditions

25.9. The licensing authority is waiting for guidance from the Gambling Commission on the particular issues that it should take into account in relation to the suitability and layout of casino premises. The licensing authority will have regard to such guidance when published.

25.10. Betting machines at casinos

25.11. In appropriate circumstances, the licensing authority may consider restricting the number and location of betting machines in respect of applications for casino premises licences.

25.12. In considering the number, nature and / or circumstances of betting machines an operator wants to offer, the licensing authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor and prevent the use of betting machines by children and young persons or by vulnerable people (it being an offence for those under 18 to bet).

APPENDIX I

26. BINGO

26.1. WHAT WE MEAN BY 'BINGO'

26.2. Bingo is a class of equal chance gaming and has its ordinary and natural meaning.

26.3. Although licensed bingo operators may provide any type of bingo game including cash or prize bingo, a commercial bingo hall will require a bingo premises licence and amusement arcades providing prize bingo will require a prize gaming permit. Licence holders may also make certain gaming machines available for use.

26.4. POLICY CONSIDERATIONS / CONDITIONS

26.5. The licensing authority recognises that there may be no restriction of access to bingo premises by children or young people. The licensing authority will therefore have particular regard to the need to protect children and vulnerable people from harm or being exploited by gambling and will expect applicants to satisfy the authority, for example, that children allowed to enter bingo premises do not participate in any gambling activities, other than on gaming machines (category D) to which they may be entitled.

26.6. The licensing authority will expect applicants to offer their own measures to meet the licensing objectives, but considers appropriate measures / licence conditions may cover the following matters:

- (a) CCTV;
- (b) Supervision of entrances / gaming machine areas;
- (c) Physical separation of gaming machines / areas e.g. clear barriers;
- (d) Location of entry;
- (e) Location of adult gaming machines
- (f) Notices / signage;
- (g) Specific opening hours;
- (h) Self-barring schemes;
- (i) Age restriction policy / proof of age schemes;
- (j) Sight of approved age ID cards e.g. passports, PASS etc
- (k) Provision of information leaflets / contact details for helpline organisations e.g. GamCare, debt management counsellors etc (preferably in prominent positions and in discrete locations to preserve anonymity); and
- (l) Measures / training for staff on how to deal with suspected truant school children on the premises
- (m) Separation of gaming facilities from ATM's.

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NB: This list is not mandatory, nor exhaustive, and merely shows examples of possible measures.

26.7. In accordance with the Act, the licensing authority will also expect applicants to satisfy the authority that there will be suitable and sufficient measures to ensure:-

- (a) that under 16 year olds are not employed in any capacity at bingo premises at a time when facilities for playing bingo are being offered; and
- (b) under 18 year olds are not be employed in providing any facilities for gambling on the bingo premises.

26.8. Gaming machines on bingo premises

26.9. Where gaming machines (category C or above) are available in bingo premises to which children and young people are admitted, the licensing authority will seek to ensure that:

- (a) all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance;
- (b) only adults are admitted to the area where the machines are located;
- (c) access to the area where the machines are located is supervised;
- (d) 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
- (e) 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.

26.10. Bingo in clubs and alcohol licensed premises

26.11. The licensing authority is aware that bingo will, subject to certain allowance thresholds, normally be classed as exempt gaming where provided in alcohol-licensed premises, clubs and miners' welfare institutes. The licensing authority will monitor such activities and will seek to ensure it is appropriately regulated where it suspects that allowance thresholds have been exceeded.

26.12. Other bingo-related considerations / conditions

26.13. The licensing authority is waiting for guidance from the Gambling Commission on the particular issues that it should take into account in relation to the suitability and layout of bingo premises. The licensing authority will have regard to such guidance when published.

APPENDIX J

27. BETTING PREMISES

27.1. WHAT WE MEAN BY ‘BETTING PREMISES’

27.2. Premises on which betting takes place (e.g. betting office) will usually require a betting premises licence (casinos are entitled to provide facilities for betting without a separate licence).

27.3. A betting premises licence holder may also make betting and certain gaming machines available for use on the premises.

27.4. POLICY CONSIDERATIONS / CONDITIONS

27.5. Other than in the case of tracks, for which special rules apply, children and young persons will not be permitted to enter any premises with a betting premises licence. The licensing authority will therefore have particular regard to the need to protect vulnerable persons from harm or being exploited by gambling.

27.6. The licensing authority will expect applicants to offer their own measures to meet the licensing objectives, but considers appropriate measures / licence conditions may cover the following matters:

- (a) CCTV;
- (b) Supervision of entrances / gaming machine areas;
- (c) Location of entry;
- (d) Notices / signage;
- (e) Specific opening hours;
- (f) Self-barring schemes;
- (g) Age restriction policy / proof of age schemes;
- (h) Sight of approved age ID cards e.g. passports, PASS etc
- (i) Provision of information leaflets / contact details for helpline organisations e.g. GamCare, debt management counsellors etc (preferably in prominent positions and in discrete locations to preserve anonymity); and
- (j) Measures / training for staff on how to deal with vulnerable individuals
- (k) Separation of gaming facilities from ATM's.

NB: This list is not mandatory, nor exhaustive, and merely shows examples of possible measures.

27.7. Betting / gaming machines in betting premises

27.8. While recognising the difference between betting and gaming machines, the licensing authority may, in appropriate circumstances,

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consider restricting the number and location of betting / gaming machines in respect of applications for betting premises licences.

- 27.9. In considering the number, nature and / or circumstances of machines an operator wants to offer, the licensing authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor and prevent the use of the machines by vulnerable people.

27.10. Single point of contact

- 27.11. The licensing authority recognises that certain bookmakers may have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

APPENDIX K

28. (UNLICENSED) FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

28.1. WHAT WE MEAN BY ‘FEC GAMING MACHINE PERMITS’

28.2. For premises that do not hold a premises licence, unlicensed family entertainment centres (FECs) may offer certain gaming machines (category D only) by way of an FEC gaming machine permit. Any number of such machines can be made available with such a permit which is usually valid for 10 years.

28.3. POLICY CONSIDERATIONS / PRINCIPLES

28.4. The nature of permit applications

28.5. In accordance with the Act, the licensing authority will accept permit applications only from and in respect of those:

- (a) who occupy, or plan to occupy premises to be used as an unlicensed FEC;
- (b) who are aged 18 or over (where the applicant is an individual);
- (c) premises where there is not a premises licence; and
- (d) premises that are wholly or partly situated in the area.

28.6. To make sure there is suitable protection and to enable informed consideration and decision-making, the licensing authority will, subject to any regulations on the matter, only accept permit applications submitted with:

- (a) Plans of the premises (two copies) at a scale of 1:100 showing:-
 - (i) The extent of the boundary of the building, if relevant and any external walls of the building and, if different, the perimeter of the premises;
 - (ii) The location of points of entry to and exit from the premises;
 - (iii) The location of escape routes from the premises;

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- (iv) The number and location of gaming machines;
- (v) Fixed structures (including furniture) or similar objects;
- (vi) Where appropriate, the location and height of any raised area relative to the floor;
- (vii) Where appropriate, the location of any steps, stairs, elevators or lifts;
- (viii) Where appropriate, the location of any room or rooms containing public conveniences;
- (ix) Where appropriate, the location of automated teller machines (ATMs) and other dispensers; and
- (x) The nature and location of any safety and / or security equipment, notice, barrier (or other thing whatsoever) that may assist in the promotion of the licensing objectives.

(b) A suitable certificate of public liability insurance that covers the premises and the activities carried on there to at least £10,000,000 per individual claim.

(c) Where appropriate, a suitable certificate of employers liability insurance.

28.7. In accordance with the Act, the licensing authority will expect the premises to be wholly or mainly used for making gaming machines available for use as an unlicensed FEC and that the chief officer of police has been consulted on the application.

28.8. Consideration of permit applications

28.9. In considering applications for such permits, the licensing authority may have regard to the licensing objectives but shall have regard to any relevant guidance issued by the Commission.

28.10. As unlicensed FECs will be open to children and young people, the licensing authority will expect the applicant to show that there are suitable policies and procedures in place to protect children from harm. Harm in this context shall not be limited to harm from gambling but shall include wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include the following:-

(a) appropriate measures / training for staff as regards suspected truant school children on the premises, including:

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- (i) management and staff awareness of the times of local school holidays; and
- (ii) provision of sufficient details and facilities for contacting the local education office and other relevant agencies;
- (b) 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; and
- (c) suitable disclosure / background checks on staff employed at the premises.

28.11. Generally, the licensing authority will expect applicants to demonstrate:

- (a) a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- (b) that staff are trained to have a full understanding of the maximum stakes and prizes;
- (c) that the applicant and his/her staff have no relevant convictions (those that are set out in Schedule 7 of the Act);
- (d) suitable space and arrangements to prevent the jostling or intimidation of players;
- (e) suitable supervision of automated teller machines (ATMs) and similar dispensers and their adequate separation from gaming facilities;
- (f) suitable and sufficient arrangements at the premises to assist in the prevention of crime and disorder; and
- (g) compliance with any relevant industry code of practice / guidance e.g. British Amusement & Catering Trades Association (BACTA); and
- (h) any other matter that may be prescribed or specified from time to time.

28.12. In appropriate circumstances, the licensing authority may also take account of an applicants previous history and experience in running similar premises.

28.13. The licensing authority may refuse an application for a permit and / or its renewal on grounds that:

- (a) an authorised officer has been refused access to the premises without reasonable excuse; and/or
- (b) it would not be reasonably consistent with the licensing objectives.

APPENDIX L

29. PRIZE GAMING PERMITS

29.1. WHAT WE MEAN BY ‘PRIZE GAMING PERMITS’

- 29.2. Prize gaming permits authorise the provision of facilities for gaming with prizes in certain premises. Permits are valid for 10 years.
- 29.3. However, prize gaming permits are not generally required in bingo premises or in casino premises (otherwise possibly for bingo) because of their respective operating licences issued by the Commission.
- 29.4. Similarly, prize gaming permits are not required in adult gaming centres and licensed family entertainment centres because of their respective premises licences.
- 29.5. An unlicensed family entertainment centre may offer equal chance prize gaming only without a permit, and travelling fairs may be exempt providing the gambling facilities are an ancillary amusement.

29.6. POLICY CONSIDERATIONS

29.7. The nature of permit applications

- 29.8. In accordance with the Act, the licensing authority will accept permit applications only from:
- (a) people who occupy, or plan to occupy the premises concerned;
 - (b) people who are aged 18 or over (where the applicant is an individual);
 - (c) premises which do not currently have a premises licence or club gaming permit; and
 - (d) premises that are wholly or partly situated in the area.
- 29.9. To give suitable protection and to enable informed consideration and decision-making, the licensing authority will, subject to any other prescribed matter, only accept permit applications submitted with:
- (a) Plans of the premises (two copies) at a scale of 1:100 showing:
 - (i) The extent of the boundary of the building, if relevant and any external walls of the building and, if different, the perimeter of the premises;

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- (ii) The location of points of entry to and exit from the premises;
 - (iii) The location of escape routes from the premises;
 - (iv) The nature, number and location of prize gaming facilities;
 - (v) Fixed structures (including furniture) or similar objects;
 - (vi) Where appropriate, the location and height of any raised area relative to the floor;
 - (vii) Where appropriate, the location of any steps, stairs, elevators or lifts;
 - (viii) Where appropriate, the location of any room or rooms containing public conveniences;
 - (ix) Where appropriate, the location of automated teller machines (ATMs) and other dispensers; and
 - (x) The nature and location of any safety and / or security equipment, notice, barrier (or other thing whatsoever) that may assist in the promotion of the licensing objectives.
- (b) A suitable certificate of public liability insurance that covers the premises and the activities carried on there to at least £10,000,000 per individual claim.
- (c) Where appropriate, a suitable certificate of employers liability insurance.

29.10. Consideration of permit applications

29.11. On consideration of applications for such permits, the licensing authority may have regard to the licensing objectives but shall have regard to any relevant guidance issued by the Commission.

29.12. Generally, the licensing authority will expect applicants to set out the types of gaming that (s)he intends to offer and demonstrate:

- (a) that they understand the limits to stakes and prizes that are set out in Regulations; and
- (b) that the gaming offered is within the law.

29.13. However, the licensing authority will have particular regard to the need to protect children and vulnerable people from harm or being exploited by gambling. The licensing authority will therefore expect applicants to

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satisfy the authority, for example, that children and young people will not have access to any prize gaming of unequal chance.

29.14. The licensing authority will also have regard to:-

- (a) suitable space and arrangements to prevent the jostling or intimidation of players;
- (b) suitable supervision of automated teller machines (ATMs) and similar dispensers and their adequate separation from gaming facilities;
- (c) compliance with any relevant industry code of practice / guidance e.g. British Amusement & Catering Trades Association (BACTA); and
- (d) any other matter that may be prescribed or specified from time to time.

29.15. The licensing authority will also take account of the following considerations in consultation about any such application with the chief officer of police:

- (a) The suitability of the applicant; and
- (b) The suitability of the premises as regards their location and issues about crime or disorder.

29.16. Although the licensing authority cannot attach conditions to such permits of its own making, it will apply the following mandatory restrictions:

- (a) the limits on participation fees, as set out in regulations, must be complied with;
- (b) 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;
- (c) the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- (d) participation in the gaming must not entitle the player to take part in any other gambling.

APPENDIX M

30. CLUB GAMING PERMITS & CLUB MACHINES PERMITS

30.1. Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. Each of these is valid for 10 years.

30.2. WHAT WE MEAN BY 'CLUB GAMING PERMITS'

30.3. A club gaming permit enables the premises to provide up to three gaming machines (of categories B, C or D), equal chance gaming and prescribed games of chance.

30.4. WHAT WE MEAN BY 'CLUB MACHINE PERMITS'

30.5. A club gaming machine permit enables the premises to provide up to three gaming machines (of categories B, C or D) only.

30.6. POLICY CONSIDERATIONS

30.7. Before granting a permit, the licensing authority will need to be satisfied that:-

- (a) the premises meet the requirements of a members' club:
 - (i) the club has at least 25 members;
 - (ii) the club is established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations;
 - (iii) the club is permanent in nature;
 - (iv) the club is not established to make commercial profit; and
 - (v) the club is equally controlled by its members.
- (b) the majority of members are over 18.

30.8. The licensing authority may refuse such permit applications on the grounds that:

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- (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 people;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

30.9. In respect of club premises holding a Club Premises Certificate under the Licensing Act 2003, the grounds on which the licensing authority may refuse a permit will be restricted to the grounds that:

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

NB: Neither the Gambling Commission or the Police may object to permit applications in respect of club premises holding a Club Premises Certificate under the Licensing Act 2003.

30.10. Although the licensing authority cannot attach conditions to such permits of its own making, it will apply the following mandatory restrictions:

- (a) In respect of club gaming permits:
 - (i) that no participation fee is charged other than in accordance with regulations;
 - (ii) that no amount is deducted or charged from sums staked or won other than in accordance with regulations;
 - (iii) that the public is excluded from any area of the premises where gaming is taking place; and
 - (iv) that children and young people are excluded from any area of the premises where gaming is taking place.

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- (b) In respect of club machine permits:
 - (i) That no child or young person use gaming machines (category B or C) on the premises; and
 - (ii) The holder will comply with any relevant code of practice issued by the Commission about the location and operation of gaming machines.

APPENDIX N

31. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

31.1. WHAT WE MEAN BY ‘LICENSED PREMISES GAMING MACHINE PERMITS’

31.2. Subject to certain restrictions, the Act provides an automatic entitlement to make available up to two gaming machines (of categories C and/or D) in certain premises licensed to sell alcohol. Such premises merely need to notify the licensing authority. A licensed premises gaming machine permit is required where permission is sought to provide more than two such machines. Such permits last indefinitely.

31.3. POLICY CONSIDERATIONS

31.4. Existing authorisations

31.5. The licensing authority may reduce / remove an automatic authorisation in respect of any particular licensed premises if:

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

31.6. The nature of permit applications

31.7. By way of enabling informed consideration and decision-making, the licensing authority will, subject to any other prescribed matter, only accept permit applications submitted with:

- (a) Plans of the premises (two copies) at a scale of 1:100 showing:

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- (i) The extent of the boundary of the building, if relevant and any external walls of the building and, if different, the perimeter of the premises;
 - (ii) The location of points of entry to and exit from the premises;
 - (iii) The location of escape routes from the premises;
 - (iv) The nature, number and location of gaming facilities;
 - (v) Fixed structures (including furniture) or similar objects;
 - (vi) Where appropriate, the location and height of any raised area relative to the floor;
 - (vii) Where appropriate, the location of any steps, stairs, elevators or lifts;
 - (viii) Where appropriate, the location of any room or rooms containing public conveniences;
 - (ix) Where appropriate, the location of automated teller machines (ATMs) and other dispensers; and
 - (x) The nature and location of any safety and / or security equipment, notice, barrier (or other thing whatsoever) that may assist in the promotion of the licensing objectives.
- (b) A full copy of the alcohol premises licence for the premises concerned.

31.8. Consideration of permit applications

31.9. The licensing authority will consider permit applications based upon the licensing objectives, any guidance issued by the Gambling Commission and such matters as it thinks relevant.

31.10. The licensing authority will determine such matters as it thinks relevant on a case-by-case basis, but generally will have regard to the need to protect children and vulnerable people from being harmed or being exploited by gambling.

31.11. The licensing authority will therefore expect the applicant to satisfy the authority that there will be sufficient measures, for example, to ensure that under 18 year olds do not have access to adult only gaming machines. This may include considerations that:

- (a) adult machines are sited in view of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18;

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- (b) the provision of suitable notices and signage; and
- (c) the provision of information leaflets / contact details of helpline organisations e.g. GamCare, debt management counsellors etc.

31.12. The licensing authority will also have regard to

- (e) suitable space and arrangements to prevent the jostling or intimidation of players;
- (f) suitable supervision of automated teller machines (ATMs) and similar dispensers and their adequate separation from gaming facilities;
- (g) compliance with any relevant industry code of practice / guidance e.g. British Amusement & Catering Trades Association (BACTA); and
- (h) any other matter that may be prescribed or specified from time to time.

31.13. Although the licensing authority cannot generally attach conditions to such permits of its own making, it may grant the application subject to:

- (a) a smaller number of machine(s) than that applied for;
- (b) a different category of machine(s) than that applied for; and
- (c) the mandatory condition that the holder of the permit follows any code of practice issued by the Gambling Commission about the location and operation of such machines.

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