

# RUSHMOOR BOROUGH COUNCIL RECORD OF EXECUTIVE DECISION



Decision taken by individual Cabinet member (delete as appropriate)

*(All sections must be completed (mark "N/A" as applicable))*

**DECISION MAKER** *Cllr Becky Williams – Neighbourhood Services Portfolio Holder*

**DECISION AND THE REASON(S) FOR IT**

To go out to public consultation on the draft Gambling Licensing Statement of Principles in accordance with the officers recommendation.

The review is overdue, therefore it is important to begin consultation as soon as possible.

**DATE DECISION TAKEN** *14/11/24*

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

*(Those examined by officers and generated by consultation, etc)*

*None*

**ANY CONFLICTS OF INTERESTS DECLARED**

*(conflict of interests of any executive member who is consulted by the officer which relates to the decision. A note of dispensation should be attached).*

*None known*

Cllr BeckyWilliams

**Signed**

(Decision maker)

**Signed**

(Cabinet member consultee where applicable)

**Designation**

*Neighbourhood Services Portfolio Holder*

Please send completed form to Chris Todd, Democracy and Community

3<sup>rd</sup> OCTOBER 2024

Key Decision? No

Report No. OS2413

**PROPOSED CONSULTATION FOLLOWING REVIEW OF THE COUNCIL'S  
GAMBLING LICENSING STATEMENT OF PRINCIPLES**

**SUMMARY AND RECOMMENDATIONS:**

This report sets out recommended changes to the Council's Gambling Licensing Statement of Principles following review as required by the legislation.

The Neighbourhood Services Portfolio Holder is requested to –

- 1) Note the draft statement of licensing principles; and
- 2) approve public consultation on the document.

**1. INTRODUCTION**

- 1.1. There is a legal requirement for review of the Council's Gambling Licensing Statement of Principles. This is overdue, and therefore requires review.
- 1.2. A review of the statement of principles has taken place, taking account of changes to the legislation and guidance. In accordance with the requirements, the licensing authority must carry out consultation with relevant parties on any proposed review.
- 1.3. A copy of the draft gambling licensing statement of principles proposed for public consultation is given at **appendix A**.
- 1.4. The Neighbourhood Service Portfolio Holder is requested to note the draft statement and approve public consultation in accordance with the legislation.

**2. BACKGROUND**

- 2.1. A full review of the Council's Gambling Licensing Statement of Principles is overdue and has therefore been carried out. The legislation requires that consultation is carried out with relevant parties.

- 2.2. Whilst a general public consultation is required, the parties detailed in the draft statement are also required to be sent a copy of any consultation document, this includes relevant bodies, the responsible authorities and current licence holders under the regime.

### **3. DETAILS OF THE PROPOSALS**

- 3.1. The statement of principles has been reviewed taking account of changes in legislation and guidance.

#### **Consultation**

- 3.2. The Neighbourhood Services Portfolio holder is recommended to approve the draft statement (appendix A) for consultation with the parties specified in the document and the public.
- 3.3. In accordance with the legislation and best practice guidance, it is recommended that consultation takes place for a period of 12 weeks. Consultation details must be sent to those listed in the document, and to comply with the consultation requirements in the legislation, it is recommended that the consultation is also detailed on the Council's website and the noticeboard outside the offices.
- 3.4. Any comments received must then be considered and a further determination made in respect of the statement of licensing principles.

### **4. IMPLICATIONS (of proposed course of action)**

#### **Risks**

- 4.1. There are no risks associated with this report, the statement is overdue for review, and therefore it is necessary for the consultation to take place as soon as possible.

#### **Legal Implications**

- 4.2. There are no legal implications of this report as the recommendation is for the legal process for consultation to be followed.

#### **Financial Implications**

- 4.3. There are no financial implications associated with this report.

#### **Resource Implications**

- 4.4. There are no resource implications associated with this report.

#### **Equalities Impact Implications**

- 4.5. There are no equalities impact implications with this report.

## **5 CONCLUSIONS**

- 5.1 Review of the Councils Gambling Licensing Statement of Principles is overdue. The document has been reviewed taking account of changes in legislation and guidance, and it is recommended that the draft document is circulated for consultation in accordance with the legislation.

### **LIST OF APPENDICES/ANNEXES:**

Appendix A – Draft Gambling Licensing Statement of Principles

### **BACKGROUND DOCUMENTS:**

None

### **CONTACT DETAILS:**

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**RUSHMOOR**  
BOROUGH COUNCIL

*Section 349*  
**GAMBLING ACT 2005**

**STATEMENT OF  
PRINCIPLES**

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# CONTENTS

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Mark	Item	Page
-	CONTENTS	2
PART A		
1	INTRODUCTION & SCOPE	4
PART B		
2	GENERAL PRINCIPLES	7
3	DUPLICATION & OTHER LEGISLATION	11
4	ADMINISTRATION ISSUES	12
PART C		
5	PREMISES LICENCES	15
6	REPRESENTATIONS, RESPONSIBLE AUTHORITIES & INTERESTED PARTIES	26
7	CONDITIONS	33
8	REVIEWS OF PREMISES LICENCES	37
9	PROVISIONAL STATEMENTS	40
10	TEMPORARY USE NOTICES	42
11	OCCASIONAL USE NOTICES	44
PART D		
12	PERMITS	45
PART E		
13	RIGHTS OF APPEAL	46
PART F		
14	OTHER MATTERS	47

## Gambling Act 2005 – Statement of Principles

<b>PART G</b>		
<b>15</b>	<b>COMPLIANCE &amp; ENFORCEMENT</b>	<b>49</b>
<b>PART H</b>		
<b>16</b>	<b>CONSULTATION &amp; PUBLICATION</b>	<b>52</b>
	<b>APPENDICES</b>	
<b>A</b>	<b>Licensing Functions &amp; Responsibilities</b>	<b>55</b>
<b>B</b>	<b>The Borough of Rushmoor</b>	<b>57</b>
<b>C</b>	<b>Consultation</b>	<b>58</b>
<b>D</b>	<b>Adult Gaming Centres</b>	<b>59</b>
<b>E</b>	<b>Family Entertainment Centres</b>	<b>60</b>
<b>F</b>	<b>Tracks</b>	<b>62</b>
<b>G</b>	<b>Casinos</b>	<b>66</b>
<b>H</b>	<b>Bingo</b>	<b>67</b>
<b>I</b>	<b>Betting Premises</b>	<b>70</b>
<b>J</b>	<b>(Unlicensed) Family Entertainment Centre Gaming Machine Permits</b>	<b>72</b>
<b>K</b>	<b>Prize Gaming Permits</b>	<b>76</b>
<b>L</b>	<b>Club Gaming Permits &amp; Club Machine Permits</b>	<b>79</b>
<b>M</b>	<b>(Alcohol) Licensed Premises Gaming Machine Permits</b>	<b>82</b>

## PART A

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### 1. INTRODUCTION & SCOPE

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#### 1.1. INTRODUCTION

- 1.2. The Gambling Act 2005 (the 'Act') and associated Regulations provides the legislative framework for regulating gambling and betting throughout the UK.
- 1.3. The Act replaced the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976 and gave 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 regulates gambling and betting. The Commission's duties 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 are responsible for the licensing of premises where gambling is to take place, for issuing various gaming permits and for the registration of small societies' lotteries in its area. A more detailed breakdown of the functions of the Gambling Commission and RBC as a designated licensing authority under the Act is given at **appendix A**.
- 1.6. Section 349 of the Act requires each Licensing Authority to prepare and publish a statement of licensing principles that it proposes to apply in exercise of its functions under the Act. This is commonly known as a 'statement of policy' or 'licensing policy'.
- 1.7. This document sets out the statement of licensing policy and principles RBC will apply in carrying out its functions as a licensing authority under the Act; being authorised to exercise those functions and responsibilities set out at **appendix A**. The document applies to the administrative area of RBC only as shown at **appendix B**.
- 1.8. Whilst subject to review, the document is valid for the period to **31<sup>st</sup> December 2027**.

#### 1.9. SCOPE & STATUS

- 1.10. 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



## **Gambling Act 2005 – Statement of Principles**

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.

- 1.11. 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.

### **1.12. Matters of interpretation**

- 1.13. Unless the context otherwise requires, any reference to ‘the Licensing Authority’ in this document refers to the licensing functions and responsibilities of Rushmoor Borough Council (RBC).

- 1.14. Further, 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.

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

- 1.16. Any reference in this policy to such Gambling Commission codes of practice and/or any other specified document, information or guidance must be taken to mean a reference to the current and valid (i.e. extant) copy of that document, information or guidance concerned (or similar equivalent).

- 1.17. Any reference in this policy to ‘gambling’ shall be taken to include all forms of gambling (except remote or online gambling, or gambling on the National Lottery), gaming and the undertaking of small society lotteries.

### **1.18. DECLARATION**

- 1.19. 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. The document has been produced following consultation with and on consideration of the responses made by the individuals, agencies and organisations set out in **appendix C** in accordance with the consultation process and principles set out at **appendix D**.

## **Gambling Act 2005 – Statement of Principles**

1.20. This policy document was approved and adopted by Full Council meeting of RBC on the 29th March 2007. It was most recently updated on approval by XXXX on XXX. While subject to periodic review, this document shall constitute RBC's gambling licensing statement of principles. Minor revisions have subsequently been made on approval by the Operational Services Portfolio Holder as follows:

<b>Date</b>	<b>Revision</b>

The policy shall be kept under review and revised as appropriate and, in any event, not less than three years from the date of its last adoption.

## PART B

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### 2. GENERAL PRINCIPLES

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#### 2.1. FUNDAMENTAL PRINCIPLES

- 2.2. In carrying out its functions, the licensing authority will seek to 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 its functions under the Gambling Act 2005, the licensing authority will, where it is entitled to do so, have regard to the licensing objectives set out in section 1 of the Act; namely -
  - (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.

## **Gambling Act 2005 – Statement of Principles**

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

2.8. 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.

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

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

2.11. 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.

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

### **2.13. To ensure gambling is conducted in a fair and open way**

2.14. 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.

2.15. 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 F**.

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

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

## **Gambling Act 2005 – Statement of Principles**

### **2.18. To protect children and other vulnerable people from being harmed or exploited by gambling**

2.19. The Act defines 'Children' as those persons under 16 years of age and 'young persons' as those persons aged 16 or 17 years of age.

2.20. While not defined and subject to wide interpretation, the Gambling Commission identify '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. In addition to the above, the licensing authority recognises that any individual may be vulnerable at specific times due to circumstances, therefore will consider vulnerability in its widest term. will al

### **2.22. GENERAL PRINCIPLES ON THE USE OF PREMISES**

2.23. 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; and
- (d) in accordance with this statement of licensing policy.

### **2.24. GUIDANCE & REFERENCE**

2.25. In exercising its functions, the licensing authority will, where appropriate and entitled to do so, 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; and
- (c) any local area profile or other published governmental strategies, plans, or documents that may relate to or otherwise inform the licensing objectives.

2.26. For the purposes of (c) above, governmental strategies, plans and documents are taken to mean those prepared and published by or on

## **Gambling Act 2005 – Statement of Principles**

behalf of HM Government, Rushmoor Borough Council and / or any other statutory authority or agency with responsibilities within the area concerned.

### **2.27. OTHER PRINCIPLES**

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

### **2.29. Need, demand & competition**

2.30. 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.

### **2.31. Morality of gambling**

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

### **2.33. Equality & diversity**

2.34. 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; and/or
- (c) undermine the right of any person who is aggrieved by the decision of the Licensing Authority to appeal against that decision to the Courts where provision has been made for them to do so.

### 3. DUPLICATION & OTHER LEGISLATION

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#### 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.
- 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**

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### **4.1. USE & EXCHANGE OF INFORMATION**

- 4.2. The licensing authority will comply with the Data Protection legislation and the Council's Data Protection policy. As a public task, the licensing authority may use and process sensitive and / or personal data where this is necessary for the exercise of its functions.
- 4.3. The Licensing Authority notes that the Act provides for both the provision and/or exchange of information with the Gambling Commission and other agencies in exercise of its functions.
- 4.4. The licensing authority regards the lawful and correct treatment of information as very important to the successful and efficient performance of its functions, and to maintaining the confidence of the individuals and/or bodies which it serves and works.
- 4.5. In exercise of its functions, the licensing authority will therefore seek to comply with all statutory duties imposed upon it as regards the handling and processing of data and, where appropriate the disclosure of information.
- 4.6. For these collective purposes, the licensing authority will –
- a) act in accordance with the provisions of the Act as well as any relevant regulations issued by the Secretary of State in provision and/or exchange of information with the Gambling Commission and other agencies;
  - b) have regard to any guidance issued by the Gambling Commission, with respect to the provision and/or exchange of information with it and other agencies;
  - c) seek to comply with all statutory duties, general principles, requirements, restrictions and/or exemptions that may apply in relation to Data Protection and Freedom of Information laws and the Councils existing policies thereon;
  - d) consider any corporate policies and protocols that may be established from time to time relating to information exchange with others.



## **Gambling Act 2005 – Statement of Principles**

- 4.7. The licensing authority may also use, disclose and/or exchange information and data it obtains in exercise of its functions –
- a) where it considers that it may reasonably assist the promotion of the licensing objectives (e.g. policy development)
  - b) in exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other agencies to fulfil the statutory objective of reducing crime in the area; and/or
  - c) as part of the National Fraud Initiative or other data matching exercise(s) required in accordance with the Local Audit and Accountability Act 2014 (or extant equivalent).

### **4.8. Confidential Information**

4.9. The licensing authority recognises that it is subject to legal restrictions on confidentiality of certain information it requires and holds in order to determine applications for, and/or to supervise, the various licences it issues (e.g. criminal conviction and similar background disclosures).

4.10. In exercise of its duties, the licensing authority will only disclose such information, as may be necessary, to those involved in the determination of relevant applications in accordance with this policy and/or the Council's constitution and scheme of delegation. The licensing authority will not divulge any such information to any third party otherwise than where it is permitted or required to do so by law.

### **4.11. DETAILS OF INDIVIDUALS MAKING REPRESENTATIONS**

4.12. 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.

4.13. 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 may be released to the applicants and/or their representative(s).

4.14. Details of applications and representations which are referred to a Licensing (Sub) Committee for determination will be detailed in reports that are made publicly available. Personal details of people making representations may be disclosed to applicants and only be withheld

## **Gambling Act 2005 – Statement of Principles**

from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

### **4.15. LICENSING REGISTER**

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

4.17. For ease of access, reference and transparency, all public registers, together with other information, will be maintained electronically on our website [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk). However, a hard copy of the public register may be obtained, for a fee, from Rushmoor Borough Council Offices.

### **4.18. LICENSING AUTHORITY DELEGATION**

4.19. All licensing decisions will be made, and functions carried out in accordance with the Council's Scheme of Delegation.

## PART C

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### 5. PREMISES LICENCES

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#### 5.1. WHAT WE MEAN BY ‘PREMISES LICENCE’

5.2. 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.

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

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

**NB:** As a separate category, premises that provide category D gaming machines only are non-licensed family entertainment centres and may be regulated through gaming machine permits.

#### 5.4. WHAT WE MEAN BY ‘PREMISES’

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

#### 5.6. CONSIDERATION OF PREMISES LICENCE APPLICATIONS

5.7. Whilst each application for a premises licence will be considered on its merits; applicants are expected to show how they will meet any licensing objective concerns, in order to be granted a premises licence. Failure to show how they will meet licensing objective concerns, may result in the imposition of licence conditions or the application being rejected.

## **Gambling Act 2005 – Statement of Principles**

### **5.8. Primary gambling activity**

5.9. By distinguishing between different premises types, the Act makes it clear that the primary gambling activity of any premises should be that described (i.e. pertaining to one of the premises licences available). Subject to any legal restrictions, customers should therefore be able to readily participate in the activity indicated by the type of premises licence at the premises concerned.

### **5.10. Premises ‘ready for gambling’**

5.11. The licensing authority notes Gambling Commission guidance which states that a licence to use premises for gambling should only be issued in relation to premises when it is satisfied that the premises are going to be ready to be used for gambling in the reasonably near future; being consistent with the scale of any building or alteration works required before the premises are brought into use.

5.12. Accordingly, where construction of a premises is not yet complete, or they need alteration, or if the applicant does not yet have a right to occupy them, the licensing authority asserts that an application for a provisional statement should be made instead. However, as this does not preclude operators from applying for a premises licence in respect of premises which still have to be constructed or altered, the licensing authority will, where appropriate, determine such applications on their merits; applying the following two stage consideration process; namely -

- (a) whether the premises ought to be permitted to be used for gambling; and
- (b) whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

5.13. It should be noted that whilst the licensing authority is entitled to decide that it is appropriate to grant a premises licence subject to conditions in this way, it is not obliged to do so.

### **5.14. Location and proximity**

5.15. Whilst each application will be considered on its own merits, the licensing authority will, where it is entitled to do so, have regard to any impact that the location of proposed licensed premises may have on the licensing objectives. Where appropriate, the licensing authority will give particular consideration to the location and/or proximity of proposed licensed premises relative to -

## **Gambling Act 2005 – Statement of Principles**

- (a) Schools and establishments for young persons (i.e. premises used regularly by 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 households with families and/or children.

5.16. Applicants seeking to licence premises in sensitive locations will be expected to clearly demonstrate how the relevant licensing objectives will be / have been met and how any associated concerns will be / have been overcome.

### **5.17. Multiple premises licences and multi-purpose premises**

5.18. Although different premises licences cannot apply to a single premises (except for tracks), the licensing authority recognises that some premises such as large, multiple unit premises (e.g. a shopping mall) or a large single building may comprise discrete premises units which may themselves seek to obtain a premises licence. A single building may therefore, subject to appropriate safeguards, 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.

5.19. Whilst areas of a building that are artificially or temporarily separate will not normally be regarded as different premises, 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. For these purposes, and whilst not exhaustive, the licensing authority will normally take account of -

- (a) their location;
- (b) their configuration;
- (c) the suitability of any division between premises (**NB:** areas of a building that are artificially or temporarily separate (e.g. by ropes or moveable partitions) will not generally be regarded as different premises);
- (d) whether the premises have different postal addresses;
- (e) whether the premises have separate registration for business rates;

## **Gambling Act 2005 – Statement of Principles**

- (f) whether the premises are owned or operated by the same person / entity;
  - (g) whether each of the premises can be accessed from the street or public passageway; and
  - (h) whether the premises can only be accessed from other gambling premises.
- 5.20. Where appropriate, the licensing authority will take particular care in considering applications for / where multiple licences for / in a building and/or those relating to a discrete part of a building used for other purposes. In such cases, the licensing authority will normally seek to ensure that –
- (a) 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 (**NB:** In this context, it should normally be possible to access the premises without going through another licensed premises or premises with a permit); and
  - (b) premises are configured so that children and other vulnerable persons are not invited to participate in, have accidental access to or can otherwise observe gambling activities from which they are prohibited from participating;
- 5.21. Where appropriate, the licensing authority may also consider the compatibility of the proposed premises with any other establishments concerned. In determination of these matters, the overriding consideration of the licensing authority will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should be prohibited under the Act.
- 5.22. For these purposes, the licensing authority notes and will take account of the Gambling Commission's Guidance to Licensing Authorities and relevant access provisions for each premises type; and will ensure that the mandatory conditions relating to access between premises is / can be observed.
- 5.23. OTHER GENERAL CONSIDERATIONS**
- 5.24. Risk Assessments**
- 5.25. The licensing authority notes that the Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling operators to consider and assess local risks to the licensing objectives arising from their provision of gambling activities / facilities at each of their premises. It also notes, that the LCCP also requires operators to establish and implement suitable policies, procedures and/or control

## **Gambling Act 2005 – Statement of Principles**

measures to mitigate those risks. Collectively, these activities comprise the process of risk assessment.

- 5.26. In compliance with these requirements, the Licensing Authority expects all prospective and licensed operators to carry out a thorough risk assessment in respect of the following matters –
- (a) their proposals / activities (e.g. the proposed licensable activities, hours of operation, capacities / throughput, the premises to be used and/or local environment etc);
  - (b) the impact of each of the matters detailed in (a) above on each licensing objectives;
  - (c) any information provided in any local area profile provided by the Council; and
  - (d) relevant matters and/or concerns identified in this statement of licensing policy or by the applicant.
- 5.27. To ensure that local risk assessment(s) are duly taken into consideration, the licensing authority expects all gambling operators (both existing licence holders and prospective applicants) to share and submit their local risk assessment(s) on application for grant or variation of a premises licence, or otherwise on request.
- 5.28. Further to the above, and by way of ensuring that they remain relevant and up-to-date, the licensing authority recommends that local risk assessments be subject to regular review, but will expect licensed operators to review their risk assessment(s) when –
- a) there are significant changes at the premises that may affect the mitigation of local risks; and/or
  - b) there are significant changes in local circumstances.
- 5.29. Whilst not exhaustive, the licensing authority will for these purposes, normally consider -
- (a) significant changes at the premises to include –
    - (i) any building work, premises refit or change of layout where gambling activities / facilities are relocated within the premises;
    - (ii) the premises licence is transferred to a new operator who will operate the premises with policies and procedures that are different to those of the previous licence holder;

## **Gambling Act 2005 – Statement of Principles**

- (iii) any change to the operator's internal policies which require additional or changes to existing control measures and/or the (re)training of staff;
- (iv) any change(s) to the entrance(s) to or exit(s) from the premises (whether in terms of their design, material(s), construction or layout);
- (v) the provision of any new gambling activity or facilities at the premises which were not provided previously (e.g. provision of hand-held gaming devices for customers, self-service betting terminals, or where a different category of gaming machine is provided);
- (vi) any application for a licence or authorisation at the premises to provide an activity under a different regulatory regime (e.g. to permit the sale of alcohol, to provide sexual entertainment on the premises etc).

(b) significant changes in local circumstances to include –

- (i) any substantial building development or conversion of existing premises in the local area which may change the number and/or type of visitor(s) to the area (e.g. where premises are converted to a local supermarket);
- (ii) any change of business and/or use of premises in the local area which may have a bearing on local risk factors and/or the licensing objectives (e.g. the opening of a new pawn broker(s) or business(es) that buy goods for resale in the local area);
- (iii) any change to the number, type and/or location of educational facilities in the local area (e.g. on construction of a new school / college or where changes are made to an existing establishment);
- (iv) the opening of any new venue used by one or more vulnerable groups in close proximity to the gambling premises (e.g. additional homeless hostel, mental health support facility etc)

5.30. For risk assessments to be and remain effective, the licensing authority also believes that they must be readily accessible to all local staff that will have to implement them. The licensing authority will therefore expect that a copy of any local risk assessment(s) be kept at the premises to which they relate at all times and be made available for inspection by the licensing authority at any reasonable time. For these purposes, local risk assessments shall be taken to include any assessment of risks and any other documents (e.g. policies and procedures) and/or record(s) provided or made in connection thereof.



## **Gambling Act 2005 – Statement of Principles**

### **5.31. General considerations for all gambling premises**

5.32. The licensing authority expects high standards from all prospective and current premises licence holders in order to promote the licensing objectives. We will therefore consider the content of risk assessments and where it is appropriate look to apply licence conditions where issues are not considered. The types of considerations we would expect to be detailed are listed below. Additional information in respect of each specific licence type is given at **appendices D – M**.

### **5.33. Staff Training**

5.34. To promote responsible gambling and their ability to suitable manage and/or tackle relevant risks associated with gambling, all customer facing and management staff in all gambling premises are expected to be provided with suitable and sufficient training to a level commensurate with their role and responsibilities. It is expected that a suitable written record of all such training shall be maintained and be provided to the licensing authority on request, and that all such training be refreshed at suitable intervals. Staff training should as a minimum include but not be limited to –

- (a) The importance of social responsibility (Premises are encouraged to seek an audit by GamCare or such other appropriate body in order to obtain a Certificate of Social Responsibility);
- (b) Causes and consequences of problem gambling;
- (c) Identifying and communicating with vulnerable persons: primary intervention and escalation;
- (d) Recognising safeguarding issues and taking appropriate action;
- (e) Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment;
- (f) Refusal of entry (including underage, alcohol and drugs);
- (g) Age verification procedures and need to return stakes/withdraw winnings if underage persons found gambling;
- (h) Importance and enforcement of time/spend limits;
- (i) The conditions of the licence;
- (j) The policies, procedures, risk assessments and associated control measures applicable to the operation and management of the premises and its activities;
- (k) Maintaining an incident log;

## **Gambling Act 2005 – Statement of Principles**

- (l) Offences under the Gambling Act;
- (m) Categories of gaming machines and the stakes and odds associated with each machine;
- (n) Types of gaming and the stakes and odds associated with each;
- (o) Staff exclusion from gambling at the premises where they are employed and reasons for restriction;
- (p) The ‘no tipping’ rule, unless a common fund into which tips and service charges are paid for distribution to the staff (a “tronc”) is established and conducted in accordance with current H.M. Revenue and Customs advice;
- (q) Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc;
- (r) Safe cash-handling/payment of winnings;
- (s) Identification of forged ID and the barring of those using forged ID from the premises;
- (t) Knowledge of problem gambling helpline contacts (for their own use as well as that of customers);
- (u) The importance of not encouraging customers to -
  - Increase the amount of money they have decided to gamble;
  - Enter into continuous gambling for a prolonged period;
  - Continue gambling when they have expressed a wish to stop;
  - Re-gamble winnings; or
  - Chase losses.

### **5.35. Problem Gambling**

- 5.36. The licensing authority considers that a risk-aware and gambling literate customer base with recourse to advice, information and assistance is less likely to be harmed or exploited by gambling.
- 5.37. All gambling premises are expected to prominently display and provide free of charge literature e.g. posters / leaflets, on how to identify signs of problem gambling and the associated pathways to advice and assistance including contact details of relevant counselling, advice and other services.

## **Gambling Act 2005 – Statement of Principles**

- 5.38. In addition to being prominently displayed in the main public area of the premises, posters and leaflets should also be displayed in areas where customers can take the details discreetly e.g. toilets.
- 5.39. All gambling premises are expected to have and implement suitable policies, procedures and arrangements for voluntary self exclusion. This is taken to mean a scheme whereby customers can request exclusion from the premises for an agreed timeframe and the premises take responsibility for ensuring that they are not readmitted during the agreed period.
- 5.40. All gambling premises are expected to have and implement suitable and sufficient customer intervention policies, procedures and arrangements so as to identify, monitor and make appropriate interventions with vulnerable personal and customers that may be gambling beyond their means or more than they would like.
- 5.41. To help identify and monitor the incidence and handling of problem gambling, all gambling premises are expected to establish and maintain suitable and sufficient records and share this (suitably redacted) with the licensing authority on request. The data expected to be recorded and shared includes but is not limited to –
- (a) The date, time and nature of any intervention(s) made by staff / premises along with a summary description of the cause and effect;
  - (b) The date, time and nature of any self (voluntary) exclusion(s) along with a summary description as to the stated reason(s) for any self-exclusion;
  - (c) The date, time and nature of any attempted entries to the premises by self (voluntary) excluded individuals along with a summary description of the action(s) taken;
  - (d) The date, time and nature of any mandatory exclusions needing enforcement along with a summary description of the cause(s) and effect(s);
  - (e) The date, time and nature of any attempted entry to the premises by those underage along with a summary description of each incident and the action(s) taken; and
  - (f) The date, time and nature of any attempted proxy sales / transactions on behalf of those underage by complicit adults along with a summary description of each incident and the action(s) taken.
- 5.42. As gambling premises staff are in close proximity with gambling and/or gaming machines on a regular basis, the licensing authority considers that all gambling premises should consider restricting staff from gambling or gaming on the premises at which they work. All gambling

## **Gambling Act 2005 – Statement of Principles**

premises should have a suitable range of support mechanisms in place for staff vulnerable to or affected by problem gambling.

### **5.43. Safety of Staff and Customers**

5.44. To ensure the safety of both customers and staff, a suitable and sufficient staff to customer ratio, appropriate to the premises is expected to be in place at all times that the premises is open.

5.45. It is expected that a suitable staff to customer ratio should take account of both the crime and disorder objection as well as the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. For these purposes, applicants may wish to seek the advice of the local police licensing team in determination of staff ratios.

### **5.46. Prevention of crime and disorder**

5.47. It is expected that all gambling premises implement suitable and sufficient cash handling policies and procedure to prevent and / or safeguard against theft / robbery. As a minimum these should include consideration and / or provision of –

- (a) The number of staff handling cash at any one time;
- (b) The frequency and amount of cash being handled and/or banked (to avoid large sums being involved);
- (c) Use of security personnel for transport;
- (d) A suitable CCTV system with suitable recording facility that keeps records for an appropriate length of time (including signage to indicate the presence of such a system);
- (e) Local and emergency contact details for the emergency services clearly displayed in office areas;
- (f) Consultation with Police and regular security reviews (NB: For security reasons, while we will not expect premises to tell us the precise details of the protocols they have in place, the licensing authority will need to be satisfied that effective procedures exist).

5.48. All gambling premises should, where appropriate, offer their customers alternative options to cash payment of winnings e.g. electronic payment. The options should be well publicised on the premises.

### **5.49. Protecting children and other vulnerable people from being harmed or exploited by gambling**

## **Gambling Act 2005 – Statement of Principles**

- 5.50. The licensing authority consider '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.
- 5.51. 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.
- 5.52. 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.
- 5.53. All gambling premises are expected to implement suitable arrangements to ensure that those persons who appear to be under the influence of drugs, alcohol or other substance which may distort their ability to make appropriate decisions about gambling activity are restricted from partaking in further gambling.

### **5.54. DETERMINATION OF PREMISES LICENCE APPLICATIONS**

- 5.55. 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).
- 5.56. 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.
- 5.57. 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; but is not obliged to grant such a licence.

## 6. REPRESENTATIONS RESPONSIBLE AUTHORITIES & INTERESTED PARTIES

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### 6.1. GENERAL

6.2. 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*'.

6.3. Relevant representation(s) made, and not withdrawn, by one or more responsible authorities or interested parties, will result in a hearing to determine any application for, or review of a premises licence.

### 6.4. RESPONSIBLE AUTHORITIES

#### 6.5. What we mean by 'responsible authority'

6.6. The '*Responsible authorities*' are public bodies specified under section 157 of the Act. The 'responsible authorities' must be notified of, and are entitled to make representations to the licensing authority about applications for, and in relation to, premises licences; and may apply for a review of a premises licence.

6.7. The licensing authority asserts that it is the role of the responsible authorities to use their particular area of expertise to help promote the licensing objectives. In so far as it relates to their area of expertise and the licensing objectives, this may include offering advice and guidance to prospective applicants and/or those affected by gambling activities.

#### 6.8. Responsible authority concerning the protection of children from harm

6.9. Section 157(h) of the Act specifically requires the licensing authority to state the principles it will apply and consider in designating a body that is competent to advise it about the protection of children from harm.

6.10. In exercise of these requirements, the licensing authority will consider the following principles; namely -

- a) the body is competent to advise the authority about the protection of children;

## **Gambling Act 2005 – Statement of Principles**

- b) the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- 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.

6.11. Further, and on consideration of these principles, the licensing authority designates **Hampshire Safeguarding Children Board** as the body that is competent to advise it about the protection of children.

6.12. 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.

### **6.13. Further information about responsible authorities**

6.14. A full list of all of the *responsible authorities*, together with their contact details will be maintained on our website [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk).

### **6.15. INTERESTED PARTIES**

#### **6.16. What we mean by 'interested parties'**

6.17. '**Interested parties**' are people who may make representations to the licensing authority about applications for, and in relation to, premises licences; and may also apply for a review of a premises licence. 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.

#### **6.18. Determination of interested parties**

6.19. In determining whether a person is an *interested party*, the licensing authority will not apply rigid rules to its decision-making but consider each case on its own individual merits on the basis of the facts and their degree. In reaching its decision, the licensing authority will generally take the following (non-exhaustive) factors into account; namely –

## **Gambling Act 2005 – Statement of Principles**

- a) The likelihood of the interested party being affected by the licensable activities concerned;
- b) The geographical proximity of the interested party to the premises concerned; and
- c) The qualifying factors set out below.

6.20. By way of promoting inclusivity, community leadership and input to the licensing process, the licensing authority will, in borderline cases, where it is arguable if a party is an *interested party*, give the party making representation(s) the benefit of the doubt, until the contrary can be shown.

### **6.21. What we mean by ‘live sufficiently close’**

6.22. In determination of whether a party ‘lives sufficiently close to the premises’, the licensing authority will normally take the account of following (non-exhaustive) factors; namely -

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

6.23. The licensing authority considers that the term *‘lives 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) and in different circumstances.

6.24. 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 character(istics) of the complainant.

### **6.25. What we mean by ‘business interests that might be affected’**

6.26. By way of promoting inclusivity, community leadership and input to the licensing process, the term *‘business interests’* will normally be given



## **Gambling Act 2005 – Statement of Principles**

the widest possible interpretation and shall include partnerships, charities, faith groups, medical practices etc.

6.27. However, in determination of whether an interested party ‘has business interests that might be affected’, the licensing authority will normally take the account of following (non-exhaustive) factors; namely -

- a) the size of the premises;
- b) the catchment area of the premises (i.e. how far people travel to visit);
- c) whether the person making the representation(s) has business interests in that catchment area that might be affected;
- d) the potential impact of the premises and/or its activities (such as number of customers, likely routes taken by those visiting the establishment etc); and
- e) the circumstance and nature of the business that is suggested may be affected and/or the representation(s) made.

6.28. Any consideration of the circumstances and / or nature of the representation(s) made will be confined to the interests of the person making the representation (which may be relevant to the distance from the premises concerned). It will not include the personal character(istics) of the complainant.

6.29. The licensing authority believes that need, demand and/or competition between gambling operators, premises and facilities are matters for the market and are not business interests that should be subject to licensing control. Accordingly, the licensing authority will not usually take account of representations made by any rival operator, anywhere in the country, simply because they are in competition within the same gambling sector and/or could be affected by another gambling business.

### **6.30. Representatives and democratically elected representatives**

6.31. In determination of those who may ‘represent’ interested parties, 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 for these purposes.

6.32. By way of promoting inclusivity, community leadership and input to the licensing process, representatives of interested parties may include trade associations, trade unions, residents’ and tenants’ associations and any other bodies, associations or individuals appropriate to the circumstances, providing they can demonstrate that they represent

## **Gambling Act 2005 – Statement of Principles**

someone who would be classed as an interested party in their own right.

- 6.33. Democratically elected councillors and MPs may also represent interested parties and/or, 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, for reasons of probity, interested parties wanting to approach councillors and/or councillors wanting to represent their own and/or an interested party's views should take care to avoid any conflict(s) of interest and/or membership of the Licensing (Sub) Committee dealing with the associated application. If there are any doubts, please contact Legal or Democratic Services at Rushmoor Borough Council.
- 6.34. 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 / area of the interested party concerned.

### **6.35. Further information about interested parties**

- 6.36. It should be noted that the collective considerations above are not exhaustive and, the licensing authority will have regard to anything an *interested party*, or their representative(s), say about his or her status to make representations. Nothing in this policy should be taken to undermine the right of any person to make representations or seek review where provision has been made for them to do so.

### **6.37. MAKING REPRESENTATIONS**

- 6.38. 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.
- 6.39. Representations must be submitted to The Licensing Authority, Rushmoor Borough Council, Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU or submitted via email: [licensing@rushmoor.gov.uk](mailto:licensing@rushmoor.gov.uk) or via the form / link on our website [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk).
- 6.40. However, as it may inform their approach, the licensing authority encourages any party considering making representations to discuss and, where appropriate, to negotiate suitable mitigating arrangements (including possible conditions of licence) with the applicant and/or one or more of the responsible authorities before submitting such representations.

## **Gambling Act 2005 – Statement of Principles**

- 6.41. 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.
- 6.42. 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.
- 6.43. Relevant representations**
- 6.44. In all cases, the licensing authority will only consider representations from responsible authorities and interested parties that are relevant.
- 6.45. **‘Relevant representations’** are likely to be those that relate to the licensing objectives, or that otherwise raise issue(s) under this policy statement, the Commission’s guidance or codes of practice.
- 6.46. Non-relevant representations**
- 6.47. For the reasons outlined throughout this policy (either express or implied), the licensing authority will not normally accept or consider (i.e. it will reject) representations -
- a) made by individuals / bodies other than responsible authorities or interested parties;
  - b) if they relate to need, demand, or competition between gambling operators, premises and facilities;
  - c) that relate to moral, ethical objection(s) or a general dislike of gambling; and/or
  - d) that are frivolous, vexatious or would not otherwise influence the authority’s determination of the application concerned.
- 6.48. In deciding whether representations fall within these terms, the licensing authority will consider each case on its own individual merits on the basis of the facts and their degree; taking account of -
- a) who is making the representation, and whether there is a history of making representations that are not relevant;
  - b) whether the representation(s) raise(s) a ‘relevant’ issue; or
  - c) whether the representation(s) raise(s) issues specifically to do with the premises that are the subject of the application.
- 6.49. A vexatious representation will generally be taken to mean one that is repetitive, without foundation or made for some other reason such as

## **Gambling Act 2005 – Statement of Principles**

malice. A frivolous representation will generally be taken to mean one that is lacking in seriousness, or is unrelated to either the licensing objectives, some point of issue with this policy, the Commission's guidance or codes of practice.

### **6.50. Non-relevant representations made by responsible authorities**

6.51. Although it recognises their legitimate interest in premises, the licensing authority will not normally take into account any concerns expressed by a responsible authority in relation to their own particular functions and responsibilities; unless they are applicable to a relevant premises or application, the licensing objectives and/or some other point of issue with this policy, the Commission's guidance and/or codes of practice.

6.52. Subject to these caveats, the licensing authority will normally consider responsible authority concerns relating to their own particular functions and responsibilities as irrelevant. These might include for example, concerns –

- a) that the premises are likely to be a fire risk;
- b) The location of the premises is likely to lead to traffic congestion; or
- c) The premises may cause crowds to congregate causing noise nuisance.

### **6.53. Determination of the relevance of representations**

6.54. 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 interest(s).

6.55. 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).

6.56. 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.

## **7. CONDITIONS**

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### **7.1. CONDITIONS ON PREMISES LICENCES**

7.2. 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.

7.3. 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;
- (d) not replicating requirements set out elsewhere (e.g. the Commission's licence conditions and codes of practice or other legislation),
- (e) not seeking to address a matter already dealt with by mandatory conditions and;
- (f) reasonable in all other respects.

7.4. The licensing authority will not issue conditions on premises licences which:

- (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

## **Gambling Act 2005 – Statement of Principles**

(d) imposes conditions in relation to stakes, fees, winnings or prizes.

7.5. 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 may consider for different premises licences where there is a perceived need (such as the use of supervisors, appropriate signage for adult only areas etc).

7.6. The general policy considerations and conditions the licensing authority is likely to apply in different circumstances are outlined below.

7.7. 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.

### **7.8. APPLICANT SUGGESTIONS**

7.9. 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.

7.10. 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.

7.11. The licensing authority recommends that applicants also consider the general policy considerations / conditions given within this policy.

7.12. 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.

7.13. 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.

### **7.14. Problematic conditions volunteered by the applicant**

7.15. Where no other clarification is provided, conditions and restrictions volunteered by the applicant that are ambiguous, unclear or inconsistent will be transposed into suitable conditions based on our interpretation and in a way that we believe best promotes the licensing objectives.

## **Gambling Act 2005 – Statement of Principles**

7.16. The licensing authority may, where appropriate, transpose imprecise terms and conditions by drawing from and reference to, its pool of model conditions (see below),

### **7.17. GENERAL POLICY CONSIDERATIONS / CONDITIONS**

#### **7.18. Conditions in respect of gaming machines**

7.19. Where category C (or above) gaming machines are available in premises where children can enter, the licensing authority may 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.

#### **7.20. Conditions in respect of the protection of children**

7.21. 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.

## **Gambling Act 2005 – Statement of Principles**

### **7.22. Other conditional considerations**

7.23. 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:

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

### **7.24. Door supervisors**

7.25. On consideration of the licensing objectives, the licensing authority may consider the need to provide door supervisors at particular premises where appropriate and proportionate.

7.26. 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).

7.27. 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 and/or competent.



## **8. REVIEWS OF PREMISES LICENCES**

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### **8.1. WHAT WE MEAN BY ‘REVIEW’**

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

### **8.3. WHAT MAY HAPPEN FOLLOWING REVIEW**

8.4. 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.

### **8.5. APPLYING FOR REVIEW**

8.6. 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 carried out.

8.7. 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;
- (d) are vexatious;

## **Gambling Act 2005 – Statement of Principles**

- (e) 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.

8.8. 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.

8.9. Where previous representations or review applications which were substantially the same have been made, 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.

8.10. 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.

### **8.11. LICENSING AUTHORITY REVIEWS**

8.12. The licensing authority itself can also initiate a review of a premises licence in its own right and/or on the basis of any reason which it thinks is appropriate. Generally, the licensing authority may initiate a review of a premises licence on consideration of the use made of the premises, associated complaints and / or disputes, non-compliance with the law and/or licence conditions, together with matters not otherwise compatible with the licensing objectives. This list is not exhaustive.

### **8.13. ACTIONS ON REVIEW**

8.14. 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.

8.15. 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.

## **Gambling Act 2005 – Statement of Principles**

- 8.16. 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; and
  - (d) in accordance with this statement of licensing policy.
- 8.17. 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;
  - (c) the Commission;
  - (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.

## **9. PROVISIONAL STATEMENTS**

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### **9.1. WHAT WE MEAN BY ‘PROVISIONAL STATEMENT’**

9.2. A provisional statement provides some assurance to prospective applicants of the likely grant of a premises licence (i.e. in principle) for premises that are expected to be constructed, altered or otherwise acquired / occupied when construction, alteration and/or acquisition has been completed.

### **9.3. PROVISIONAL STATEMENT APPLICATIONS & REPRESENTATIONS**

9.4. 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 policies and provisions that apply to premises licences shall apply in the same way to this part for provisional statements.

9.5. 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.

### **9.6. CONVERTING A PROVISIONAL STATEMENT TO A PREMISES LICENCE**

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

9.8. Where it has granted a provisional statement, the licensing authority may, by law, be constrained in the matters it can then consider on a subsequent application for a premises licence. Representations from relevant authorities or interested parties may only be taken into account where they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances.

9.9. In addition, the licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) which could not have been raised by objectors at the provisional licence stage; or

## **Gambling Act 2005 – Statement of Principles**

- b) which, in the licensing authority's opinion, reflect a change in the operator's circumstances.
- 9.10. 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/or 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.

## **10. TEMPORARY USE NOTICES**

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### **10.1. WHAT WE MEAN BY ‘TEMPORARY USE NOTICES’**

10.2. 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).

10.3. Only prescribed bodies and individuals (including the licensing authority) may object to a proposed TUN. If, within 14 days of the notice being given, no objections are received, the TUN must be endorsed.

### **10.4. POLICY CONSIDERATIONS**

10.5. It is noted that it falls to the Licensing Authority to decide what constitutes a ‘set of premises’ where Temporary Use Notices are received relating to the same building/site. 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.

10.6. However, in considering whether any 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.

### **10.7. DETERMINATION OF TUNs**

10.8. The licensing authority recognises and will apply the statutory limits for Temporary Use Notices in all cases. In particular, 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 for which it is required will begin. Any such TUN will be considered void.

10.9. On receiving a TUN, 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.

## **Gambling Act 2005 – Statement of Principles**

- 10.10. 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.
- 10.11. 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.

## **11. OCCASIONAL USE NOTICES**

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### **11.1. WHAT WE MEAN BY ‘OCCASIONAL USE NOTICES’**

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

### **11.3. POLICY CONSIDERATIONS**

11.4. 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.

11.5. The licensing authority will however consider the definition of a ‘track’ and if the applicant is permitted to service and/or avail him / herself of such a notice. For the purposes of this part, the meaning of track shall not be limited to permanent race courses, 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

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### 12. PERMITS

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#### 12.1. WHAT WE MEAN BY 'PERMITS'

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

12.3. 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.

12.4. 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.

#### 12.5. DETERMINATION OF PERMIT APPLICATIONS

12.6. Generally, the licensing authority may only grant or reject an application for a permit. The licensing authority cannot generally attach conditions to such permits, but it may modify them in appropriate circumstances, where it has the power to do so.

12.7. Where, on consideration of an application, a permit is granted, the licensing authority will issue the permit as soon as is reasonably practicable.

## PART E

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### 13. RIGHTS OF APPEAL

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#### 13.1. LICENSING AUTHORITY DECISIONS & RIGHTS OF APPEAL

13.2. 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, and to ensure transparent decision making, 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, and 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.

#### 13.3. MAKING AN APPEAL

13.4. 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.

#### 13.5. FURTHER INFORMATION

13.6. We are advised that a fee must accompany any appeal. 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.

13.7. Although advice on the appeal procedure is available from the Clerk to the Court, anyone wanting to pursue an appeal is advised to seek independent professional legal advice.

## PART F

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### 14. OTHER MATTERS

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#### 14.1. TRAVELLING FAIRS

- 14.2. 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.
- 14.3. 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.
- 14.4. In all cases, it will fall to the licensing authority to decide whether or not the provision of such gaming machines and / or equal chance prize gaming at travelling fairs amounts to an ancillary amusement at the fair.
- 14.5. 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.
- 14.6. 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.

#### 14.7. SMALL SOCIETY LOTTERIES

- 14.8. 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.
- 14.9. 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:

## **Gambling Act 2005 – Statement of Principles**

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

14.10. Although guidance on the different types of lottery permitted will be made available on our website ([www.rushmoor.gov.uk](http://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.

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

14.12. The licensing authority will keep and maintain a public register of all society's registered by us to carry out small society lotteries and submit relevant information to the Commission.

## PART G

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### 15. COMPLIANCE & ENFORCEMENT

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15.1. By virtue of this part, the licensing authority sets out the principles it will apply when exercising its compliance, enforcement and responsible authority powers under the act, including the instigating of criminal proceedings.

#### 15.2. GENERAL EXPECTATION OF COMPLIANCE

15.3. The licensing authority expects all individuals, businesses and operators involved in gambling etc to comply with the requirements of the Gambling Act 2005 and associated regulations. Further to this, the licensing authority expects those to whom it has issued licences and/or permits under the Act, to fully comply with such authorisations; together with their terms and conditions.

15.4. Subject to the considerations outlined below, the Licensing Authority will, in recognition of the licensing objectives and the implicit safeguards required by the Act, take a **serious view** of any individual(s), business(es) and operator(s) that fail to comply with any aspect of the law or any authorisation provided for thereunder.

#### 15.5. INSPECTION & MONITORING

15.6. To monitor compliance, the licensing authority may reactively investigate and/or inspect premises, associated records and documents where it receives complaint, expressions of concern and/or other intelligence about (un)licensed premises and/or (un)authorised activities.

15.7. The licensing authority may also monitor compliance by undertaking proactive programmes of inspection of premises where authorised gambling activities are provided. Whilst the licensing authority will normally have regard to any primary authority arrangements, this activity will generally be risk-based and target higher-risk premises that require greater attention, while operating a lighter touch for low risk businesses that are well managed and maintained.

15.8. In monitoring the compliance of licensed operators with aspects of the Act, both reactive and proactive compliance activities may also include test purchasing activities.

## Gambling Act 2005 – Statement of Principles

### 15.9. ENFORCEMENT

15.10. Where necessary to ensure compliance, the licensing authority may take enforcement action. Any enforcement action will be taken with regard to -

- (a) Gambling Commission guidance and codes of practice;
- (b) the principles of the Regulators Code;
- (c) any Primary Authority advice, actions and/or guidance; and
- (d) the [Council's Corporate Sanctions & Enforcement Policy](#).

15.11. In all cases, the licensing authority will endeavour to ensure that inspections and enforcement are carried out with regard to the following principles; namely -

a) Targeting - The licensing authority will focus on problems and/or higher risk activities and seek to minimise side effects.

b) Proportionality - The licensing authority will only intervene when necessary, ensuring remedies are appropriate to the risk posed and, where appropriate, 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 its regulation are simple and user friendly.

### 15.12. LIAISON & REFERRAL

15.13. In recognition of the scope of the licensing objectives and the functions, duties and responsibilities of others, the licensing authority will, where appropriate, work closely with other relevant regulatory bodies and agencies (e.g. Police, responsible authorities, neighbouring local authorities and others) on any issue(s) of concern, compliance and/or enforcement. The licensing authority will endeavour to avoid duplication with other regulatory regimes and will, where appropriate, refer any

## **Gambling Act 2005 – Statement of Principles**

matter that it finds or that appears to be a contravention of legislation enforced by another authority, to the relevant agency concerned.

- 15.14. In particular, the licensing authority notes that the Gambling Commission is 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. For this reason, concerns over any of these matters will be notified and referred to the Gambling Commission for action as appropriate.

## PART H

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### 16. CONSULTATION & PUBLICATION

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#### 16.1. CONSULTATION PRINCIPLES

16.2. The licensing authority will consult the following parties on any statement of principles (including any interim revision) 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.

16.3. 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.

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

- (a) Who is making the representation in terms of their expertise or interest;
- (b) Relevance of the factors to the licensing objectives;
- (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.

16.5. 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.



## **Gambling Act 2005 – Statement of Principles**

16.6. 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.

### **16.7. ADVERTISING**

16.8. 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.

### **16.9. PUBLICATION**

16.10. This statement and / or any subsequent revision will be published on our website ([www.rushmoor.gov.uk](http://www.rushmoor.gov.uk)) and be available for inspection at Rushmoor Borough Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU.

### **16.11. CONSULTATION**

16.12. Having regard to the above, this document was subject to wide consultation between XXX and XXXX. A list of those consulted is given at **appendix C** (unsolicited comments not included).

## **Gambling Act 2005 – Statement of Principles**

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

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

The Licensing Manager  
Rushmoor Borough Council  
Council Offices  
Farnborough Road  
Farnborough  
Hampshire  
GU14 7JU

**Tel:** 01252 398855

**Email:** [licensing@rushmoor.gov.uk](mailto:licensing@rushmoor.gov.uk)

## APPENDIX A

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### 17. LICENSING FUNCTIONS & RESPONSIBILITIES

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#### 17.1. LICENSING AUTHORITY FUNCTIONS

17.2. This document applies to the functions of Rushmoor Borough Council (RBC) as a licensing authority under the Gambling Act 2005, which is responsible for the -

- (a) licensing of premises where gambling activities are to take place by issuing Premises Licences;
- (b) issue of provisional statements;
- (c) regulation of members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- (d) Issue of Club Machine Permits to Commercial Clubs;
- (e) granting of permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- (f) administration and receipt of notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- (g) issue of 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;
- (h) registration of small society lotteries below prescribed thresholds;
- (i) issue of prize gaming permits;
- (j) receipt and endorsement of temporary use notices;
- (k) receipt of occasional use notices; and
- (l) setting and collection of fees.

17.3. The licensing authority is also required to provide information to the Gambling Commission regarding details of the licences it issues (see

## **Gambling Act 2005 – Statement of Principles**

section on 'information exchange), and to maintain registers of the licences and permits it issues.

### **17.4. GAMBLING COMMISSION FUNCTIONS**

17.5. For clarity and distinction, the licensing authority notes that the Gambling Act 2005 empowers the Gambling Commission to -

- (a) issue operating licences;
- (b) issue personal licences;
- (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 on gambling matters.

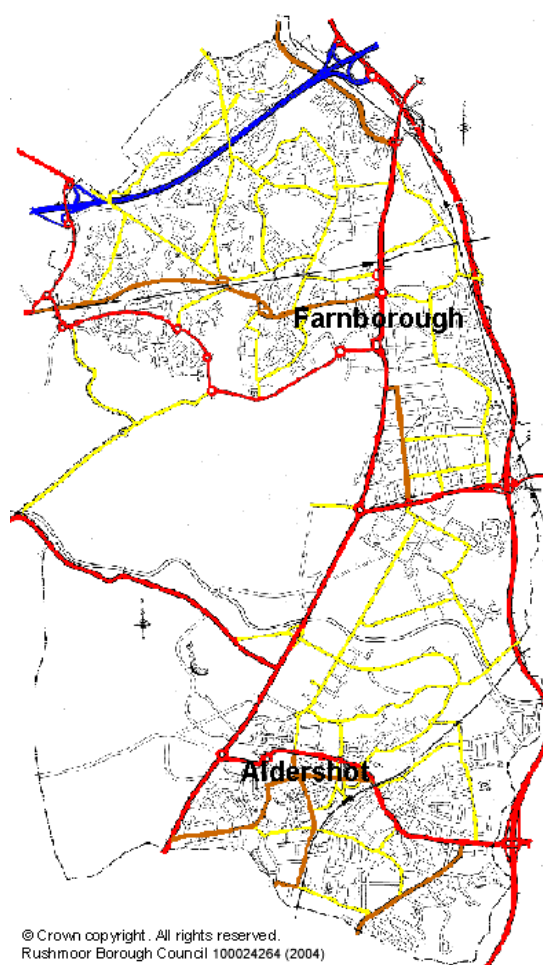
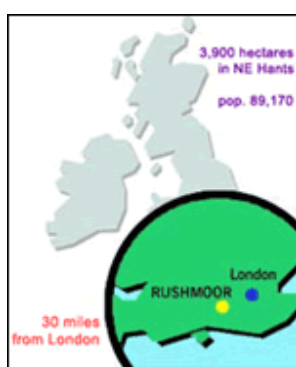
17.6. The Gambling Commission will be the lead investigative and enforcement body for these and associated purposes.

## APPENDIX B

# 18. THE BOROUGH OF RUSHMOOR

### 18.1. OVERVIEW

- 18.2. 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.



- 18.3. 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).

### 18.4. ADDITIONAL INFORMATION

- 18.5. Further information about RBC and the borough can be found on our website [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk).

## APPENDIX C

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### 19. CONSULTATION

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19.1. The following individuals, bodies and organisations have been consulted on this policy, in addition to all responsible authorities and those who held a licence under the Gambling Act 2005 within Rushmoor at the time of the consultation

Abri Homes	RBC Health & Safety Enforcing Authority
Advance Housing & Support Ltd	RBC Legal Services
Aldershot Magistrates' Court	RBC Planning Services
Anchor Trust	Riverside Group
Association of Licensed Multiple Retailers	Rushmoor Community Safety
BACTA	Rushmoor Pubwatch
British Amusement & Catering Trades Association	Sandy Hill Residents' Association
British Beer & Pub Association	Security Industry Authority
British Greyhound Racing Board	Stonewater Ltd
British Institute of Innkeeping	Thames Valley Charitable Housing Association
Canal and River Trust	The Bingo Association
Citizens Advice Bureau	The Environment Agency
Coral Bookmakers	The Gambling Commission
Elles Housing Co-operative Housing Society Ltd	The Lotteries Council
Elm Group	The Magistrates Association
Farnborough Aerodrome Residents' Association	The Working Men's Club & Institute Union
Federation of Licensed Victuallers	Vivid Housing Association
Frimley Health	William Hill Plc
Gamblers Anonymous (UK)	
GamCare	
Gordon Moody Association	
Haig Homes	
Hampshire Constabulary	
Hampshire County Council	
Hampshire Fire & Rescue Service	
HM Revenue & Customs	
Home Group	
Horseracing Regulatory Authority	
Housing 21	
Hyde Housing Association	
Joe Jennings Bookmakers Ltd	
Kossway Automatics Ltd	
Ladbrooks Betting & Gaming Ltd	
London & Quadrant Housing Trust Ltd	
Moat Housing Society Ltd	
North Hampshire Chamber of Commerce	
Racecourse Association Ltd	
Ravendive Ltd	
RBC Community Services	
RBC Democratic Services	
RBC Environmental Health Services	

# APPENDIX D

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## 20. ADULT GAMING CENTRES

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### 20.1. WHAT WE MEAN BY 'ADULT GAMING CENTRES'

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

### 20.3. POLICY CONSIDERATIONS / CONDITIONS

20.4. With respect to premises licence applications for an adult gaming centre, 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.

20.5. The licensing authority will expect applicants to offer their own measures to meet the licensing objectives, but considers appropriate measures / licence conditions and/or risk assessments 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-exclusion schemes;
- (j) Provision of information leaflets / contact details for helpline organisations e.g. GamCare, debt management counsellors etc;
- (k) Separation of gaming facilities from ATM's.

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

## APPENDIX E

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### 21. FAMILY ENTERTAINMENT CENTRES

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#### 21.1. WHAT WE MEAN BY FAMILY ENTERTAINMENT CENTRES

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

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

#### 21.4. POLICY CONSIDERATIONS / CONDITIONS

21.5. With respect to Family Entertainment Centres, 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.

21.6. The licensing authority will expect applicants to offer their own measures to meet the licensing objectives, but considers appropriate measures / licence conditions and/or risk assessments 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);
- (k) Measures / training for staff on how to deal with suspected truant school children on the premises;
- (l) Ensuring there are no inducements to remain in the gaming areas longer than anyone can reasonably afford to; and
- (m) Separation of gaming facilities from ATM's.



## **Gambling Act 2005 – Statement of Principles**

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

- 21.7. 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 way in which the area containing the category C machines should be delineated / segregated from adult only areas. The licensing authority will also be mindful of the mandatory and default conditions applicable to these types of premises licences, and the requirements in the relevant code of practice.

## APPENDIX F

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### 22. TRACKS

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#### 22.1. WHAT WE MEAN BY 'TRACKS'

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

#### 22.3. POLICY CONSIDERATIONS / CONDITIONS

22.4. The licensing authority is aware and will be mindful that -

- (a) betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting; and
- (b) as an exception to the general rule, tracks -
  - (i) do not require the operator to hold an operators’ licence (as usually granted by the Commission); and
  - (ii) may be subject to one or more premises licences, providing each licence relates to a specified area of the track (without overlap).

22.5. Accordingly, 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.

22.6. However, mindful of the need to protect children and vulnerable people from being harmed or exploited by gambling, the licensing authority will expect all applicants to demonstrate suitable measures to ensure –

- (a) children do not have access to adult only gaming facilities;
- (b) entrances to each type of premises are distinct; and
- (c) children are excluded from gambling areas where they are not permitted to enter.

22.7. In particular, whilst 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, the licensing authority asserts

## **Gambling Act 2005 – Statement of Principles**

that they must still be excluded from areas where gaming machines (other than category D machines) are provided.

22.8. The licensing authority will expect applicants to offer their own measures to meet the licensing objectives, but considers appropriate measures / licence conditions and/or risk assessments 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-exclusion 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.

22.9. 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 co-ordination and conduct of betting.

22.10. 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.

### **22.11. Gaming machines at tracks**

22.12. 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 take particular account of the nature and location of gaming machines at tracks. In such respects, applications for track premises licences will need to demonstrate that age restricted machines are located in suitable areas in which children are excluded as may be appropriate (i.e. where applicants hold a pool

## **Gambling Act 2005 – Statement of Principles**

betting operating licence and are to use their entitlement to four gaming machines).

### **22.13. Betting machines at tracks**

22.14. 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.

22.15. 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).

### **22.16. Condition on rules being displayed at tracks**

22.17. The licensing authority will normally 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.

### **22.18. TRACK APPLICATIONS AND PLANS**

22.19. By way of making an informed judgement on any track premises licence application, the licensing authority will normally require applicants to provide sufficiently detailed, drawn to scale plans of the premises that show -

- (a) the extent and boundaries of the premises;
- (b) the location of any race track;
- (c) the nature and location of any proposed gambling activities / facilities (other than betting);
- (d) the nature and location of any gaming machines; and
- (e) any other information required by Regulation(s).

## **Gambling Act 2005 – Statement of Principles**

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

22.21. It should be noted that the location of betting facilities to be provided at tracks is not required to be shown on track premises plans, both by virtue of the fact that betting is permitted anywhere on licensed track premises and because of the difficulties associated with pinpointing exact locations for some types of track. However, the licensing authority asserts that applications may be rejected where the associated plan(s) provide(s) insufficient information to enable it to suitably assess the application.

### **22.22. Premises layout changes and associated applications for variation**

22.23. In recognition of the nature of licensed track premises, the licensing authority will not normally require an operator to submit application to vary the track premises licence for relatively small changes in premises layout. Application for variation(s) will normally be required only where a significant change to the track layout is proposed. The significance of any proposed layout change(s) will be determined on the basis of any impact on the purpose of the licence or the conditions attached to it with reference to the following examples.

22.24. For example, moving a category C gaming machine from one end of a bar that has been marked on the plan as a gaming machine area to another may not necessitate a full variation to a track premises licence, nor would the establishment of a new betting area at a racetrack, as neither of these events have any impact on the purpose of the licence or the conditions attached to it. However, relocating category C machines to entirely different parts of a track premises would generally need to be the subject of an application to vary the premises licence.

## APPENDIX G

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### 23. CASINOS

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#### 23.1. WHAT WE MEAN BY ‘CASINO’

23.2. 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.

#### 23.3. POLICY CONSIDERATIONS / CONDITIONS

#### 23.4. ‘No Casinos’ resolution

23.5. 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.

#### 23.6. Casinos and competitive bidding

23.7. 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.

#### 23.8. Other casino considerations / conditions

23.9. The licensing authority will have regard to relevant guidance from the Gambling Commission, in relation to the suitability and layout of casino premises, and will consider each application on its own merits.

#### 23.10. Betting machines at casinos

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

23.12. 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 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.

## APPENDIX H

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### 24. BINGO

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#### 24.1. WHAT WE MEAN BY 'BINGO'

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

24.3. 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.

#### 24.4. POLICY CONSIDERATIONS / CONDITIONS

24.5. 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.

24.6. 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.

## **Gambling Act 2005 – Statement of Principles**

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

24.7. 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.

### **24.8. Gaming machines on bingo premises**

24.9. 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.

### **24.10. Bingo in clubs and alcohol licensed premises**

24.11. 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.

### **24.12. Other bingo-related considerations / conditions**

24.13. The licensing authority notes Gambling Commission guidance that authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a particularly relevant consideration where any bingo operator of an



## **Gambling Act 2005 – Statement of Principles**

existing bingo premises applies to vary their licence to exclude an area of the existing premises and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

- 24.14. The number of Category B (sub-category B3) gaming machines will not be permitted to exceed 20% of the total number of gaming machines within the bingo premises unless the premises was licensed before 13 July 2013. Premises licensed before that date will retain an entitlement to 8 Category B (sub Category B3) machines or 20% of the total number whichever is the greater.

## APPENDIX I

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### 25. BETTING PREMISES

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#### 25.1. WHAT WE MEAN BY ‘BETTING PREMISES’

25.2. 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).

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

#### 25.4. POLICY CONSIDERATIONS / CONDITIONS

25.5. The licensing authority will therefore have particular regard to the need to protect vulnerable persons from harm or being exploited by gambling. For this reason, and other than in the case of tracks (for which special rules apply), the licensing authority does not consider it appropriate for children and young persons to be permitted to enter any premises with a betting premises licence.

25.6. The licensing authority will expect applicants to offer their own measures to meet the licensing objectives, but considers appropriate measures / licence conditions and/or risk assessments 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.

## **Gambling Act 2005 – Statement of Principles**

### **25.7. Betting / gaming machines in betting premises**

25.8. While recognising the difference between betting and gaming machines, the licensing authority may, in appropriate circumstances, consider restricting the number and location of betting / gaming machines in respect of applications for betting premises licences.

25.9. 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.

### **25.10. Single point of contact**

25.11. 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 J

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### **26. (UNLICENSED) FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

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#### **26.1. WHAT WE MEAN BY ‘FEC GAMING MACHINE PERMITS’**

26.2. 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.

#### **26.3. POLICY CONSIDERATIONS / PRINCIPLES**

#### **26.4. The nature of permit applications**

26.5. 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.

26.6. To make sure there is suitable protection and to enable informed consideration and decision-making, the licensing authority will, subject to any Regulation(s), expect permit applications to be submitted with:

- (a) Plans of the premises 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;
  - (iv) The number and location of gaming machines;

## **Gambling Act 2005 – Statement of Principles**

- (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.

26.7. 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.

### **26.8. Consideration of permit applications**

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

26.10. 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 be considered on their merits, but may include:

- (a) appropriate measures / training for staff as regards suspected truant school children on the premises, including:
  - (i) management and staff awareness of local school hours and holidays; and

## Gambling Act 2005 – Statement of Principles

- (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.

26.11. 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) (**NB:** the applicant should disclose all relevant convictions in order that the Licensing Authority may consider whether it would be contrary to the licensing objectives to grant a permit);
- (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.

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

26.13. 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

## **Gambling Act 2005 – Statement of Principles**

- (b) it would not be reasonably consistent with the licensing objectives.

## APPENDIX K

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### 27. PRIZE GAMING PERMITS

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#### 27.1. WHAT WE MEAN BY 'PRIZE GAMING PERMITS'

- 27.2. Prize gaming permits authorise the provision of facilities for gaming with prizes in certain premises. Permits are valid for 10 years.
- 27.3. However, prize gaming permits are not generally required in bingo premises or in casino premises (otherwise than possibly for bingo) because of their respective operating licences issued by the Commission.
- 27.4. Similarly, prize gaming permits are not required in adult gaming centres and licensed family entertainment centres because of their respective premises licences.
- 27.5. 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.

#### 27.6. POLICY CONSIDERATIONS

#### 27.7. The nature of permit applications

- 27.8. 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.
- 27.9. To give suitable protection and to enable informed consideration and decision-making, the licensing authority will, subject to any other prescribed matter, expect permit applications to be submitted with:
- (a) Plans of the premises at a scale of 1:100 showing:



## **Gambling Act 2005 – Statement of Principles**

- (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 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.

### **27.10. Consideration of permit applications**

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

27.12. 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.

## **Gambling Act 2005 – Statement of Principles**

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

27.14. 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.

27.15. 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.

27.16. 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 L

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### **28. CLUB GAMING PERMITS & CLUB MACHINE PERMITS**

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

#### **28.2. WHAT WE MEAN BY 'CLUB GAMING PERMITS'**

28.3. 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.

#### **28.4. WHAT WE MEAN BY 'CLUB MACHINE PERMITS'**

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

#### **28.6. POLICY CONSIDERATIONS**

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

- (a) the premises meet the requirements of a members' club in that -
  - (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.

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

## Gambling Act 2005 – Statement of Principles

- (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.

28.9. 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.

28.10. 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.

## **Gambling Act 2005 – Statement of Principles**

- (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 M

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### 29. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

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#### 29.1. WHAT WE MEAN BY 'LICENSED PREMISES GAMING MACHINE PERMITS'

29.2. 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.

#### 29.3. POLICY CONSIDERATIONS

#### 29.4. Existing authorisations

29.5. 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.

#### 29.6. The nature of permit applications

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

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

## **Gambling Act 2005 – Statement of Principles**

- (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.

### **29.8. Consideration of permit applications**

29.9. 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.

29.10. 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.

29.11. 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;
- (b) the provision of suitable notices and signage; and

## **Gambling Act 2005 – Statement of Principles**

- (c) the provision of information leaflets / contact details of helpline organisations e.g. GamCare, debt management counsellors etc.

29.12. 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.

29.13. Although the licensing authority cannot generally attach conditions to such permits of its own making, it may, where appropriate, 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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