

# Licensing Committee



Forest Heath  
District Council

<b>Title:</b>	<b>Agenda</b>		
<b>Date:</b>	<b>Monday 29 June 2015</b>		
<b>Time:</b>	<b>6.00 pm</b>		
<b>Venue:</b>	<b>Council Chamber District Offices</b> College Heath Road Mildenhall		
<b>Full Members:</b>	<i>Conservative Members (8)</i>	Michael Anderson David Bimson John Bloodworth Brian Harvey	Carol Lynch Christine Mason Nigel Roman Bill Sadler
	<i>West Suffolk Independent Member (1)</i>	Ruth Allen	
	<i>UKIP Member (1)</i>	Reg Silvester	
<b>The meeting will be preceded at 5.30pm by the usual informal meeting between the Committee and representatives of the Forest Heath Taxi Association.</b>			
<b>Substitutes:</b>	Named substitutes are not appointed		
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.		
<b>Quorum:</b>	Three Members		
<b>Committee administrator:</b>	<b>Helen Hardinge</b> Committee Administrator & FHDC Scrutiny Support <b>Tel:</b> 01638 719363 <b>Email:</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>		

# Agenda

Page No

## Procedural Matters

### Part 1 - Public

1. **Election of Chairman for 2015/2016**
2. **Election of Vice-Chairman for 2015/2016**
3. **Apologies for Absence**
4. **Substitutes**
5. **Public Participation**

Members of the public are invited to put questions/statements of not more than 3 minutes duration relating to items to be discussed in Part 1 of the agenda only.

6. **Minutes** **1 - 8**  
To confirm the minutes of the meeting held on 19 January 2015 (copy attached).
7. **Proposed West Suffolk Joint Gambling Act 2005: Statement of Principles 2016 to 2019** **9 - 66**  
Report No: **LIC/FH/15/003**

# Licensing Committee



**Forest Heath**  
District Council

**Minutes** of a meeting of the **Licensing Committee** held on  
**Monday 19 January 2015** at **6.00 pm** at the **Council Chamber, District  
Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

**Chairman** Michael Anderson  
**Vice Chairman** Carol Lynch

David Bimson  
Bill Bishop  
Simon Cole  
Roger Dicker

John McGhee  
Nigel Roman  
Bill Sadler  
Eddie Stewart

1. **Chairman's Announcement**

Prior to the commencement of the meeting, the Chairman asked all individuals present not to cause a disturbance or interrupt the meeting. He advised that, if necessary, anyone making a disturbance may be asked to leave the Council Chamber.

2. **Apologies for Absence**

There were no apologies for absence.

3. **Substitutes**

There were no substitutes at the meeting.

4. **Public Participation**

The Chairman had been advised that Mrs Sara Beckett wished to speak at the meeting, however, Mrs Beckett explained that she actually wished to address the meeting in respect of the representation she had made with regard to Heaven Awaits' application (Report No. LIC/FH/15/001) and this would be undertaken as part of the hearing process with regard to the consideration of this item later on the agenda.

5. **Minutes**

The minutes of the meeting held on 10 November 2014 were unanimously accepted by the Committee as an accurate record, subject to it being noted that Councillor Rachel Hood was in fact Mayor of Newmarket Town Council (and not Deputy Mayor), and were signed by the Chairman.

6. **Exclusion of the Press and Public**

The Chairman agreed for this item to be brought forward on the agenda so that the application for a combined Hackney Carriage/Private Hire driver's licence (Report No. LIC/FH/15/002) could be considered prior to Heaven Awaits' renewal application hearing.

With 6 voting for the motion and with 4 abstentions, it was

**RESOLVED:**

That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972 and indicated against each item.

7. **Application for the Grant of a Combined Hackney Carriage/Private Hire Driver's Licence (para 1) (Report No. LIC/FH/15/002)**

The Committee was asked to consider an application for a Combined Hackney Carriage/Private Hire Driver's Licence under the provisions of Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The driver attended the meeting to present his case and answered Members' questions.

The driver and the Licensing Officer left the meeting prior to the Committee's deliberations.

It was proposed and duly seconded that the application be approved and the license be granted. Upon this being put to the vote and with 7 voting for the motion and with 3 abstentions, it was

**RESOLVED:**

That the application for a Combined Hackney Carriage/Private Hire Driver's Licence be granted.

The driver and the Licensing Officer then re-joined the meeting in order to be advised by the Lawyer of the Committee's decision. The Chairman wished the driver well but stressed that the Committee would have concerns should he appear before them again. Following which the driver left the meeting.

On conclusion of this item the press, public and all other parties were invited to re-join the meeting.

8. **Application for the Renewal of a Sex Establishment Licence (Sexual Entertainment Venue - Heaven Awaits Ltd) (Report No. LIC/FH/15/001)**

The Lawyer welcomed all present to the Hearing, reported that no declarations of interest had been received and introductions to the Panel were made by the Chairman.

The Lawyer outlined the procedure for the conduct of Sex Establishment Licensing Hearings which was attached as Attachment 1 to Report No LIC/FH/15/001.

The following parties were present at the Hearing:

(a) Applicant

- (i) Ms Helen Cardy, Poppleston Allen, Solicitor to the Applicant
- (ii) Mr Mitchell Clarke, Director, Heaven Awaits Ltd, 109-111 High Street, Newmarket
- (iii) Mr Philip Kolvin QC, Barrister to the Applicant
- (iv) Mr Jason Newell, Director, Heaven Awaits Ltd, 109-111 High Street, Newmarket
- (v) Mr Mathew Rolfe, Director, Heaven Awaits Ltd, 109-111 High Street, Newmarket

(b) Interested Parties

- (i) Mr Andrew Appleby, local resident
- (ii) Mrs Sara Beckett, local resident
- (iii) Mr David Dadds, Solicitor to Newmarket Town Council
- (iv) Mr Gerald Gouriet QC, Barrister to Newmarket Town Council
- (v) Mr Robin Hardy, local resident
- (vi) Councillor Warwick Hirst, Newmarket Town Council
- (vii) Councillor Rachel Hood, Mayor, Newmarket Town Council

The Business Regulation and Licensing Manager presented the report which explained that an application had been received for the renewal of a Sex Establishment Licence for the Sexual Entertainment Venue Heaven Awaits Ltd, 109-111 High Street, Newmarket. The premises had been trading since April 2006 and had held a Sexual Entertainment Venue licence since 1 October 2012. A copy of the application was attached at Appendix 1.

The application was to licence the premises for use as a sexual entertainment venue during the following hours (as per the current premises licence with no proposed changes):-

Monday to Wednesday: 10.00am to 02.00am  
Thursday to Saturday: 10.00am to 03.20am  
Sunday: 12.00pm to 03.00am

The application had been served on the Licensing Authority and the Police, neither of which had made representations. However, following the advertisement of the application 10 representations had been received from interested parties objecting to the application and these were attached at Appendices 3 - 12.

Also attached as Appendix 13 was a late representation received after the deadline for responses. The Officer also advised that since publication of the agenda a further two late representations had been received. It would,

therefore, be a matter for the Committee to determine if they were to include these three representations as part of the Hearing.

In addition, the Officer explained that an unknown person had, earlier that day, handed in three separate petitions collectively containing approximately 166 signatures. However, none of the petitions fully complied with the Council's policy for petitions (in that they contained incomplete names and addresses) and they had, therefore, not been made available to any parties involved nor had consent been obtained to do so.

The Business Regulation and Licensing Manager explained that in addition to the consideration of the renewal application the Committee was also requested to again consider the premises signage. The current and main external sign did not comply with the Council's standard conditions for sex establishments; in that the sign was larger than permitted. A dispensation had been granted by the Council as part of the licence's renewal in 2013 and the applicant was again requesting this dispensation as part of the application before the Committee.

Lastly, the Officer made reference to Page 23 of the agenda which set out Part B of the application form. Under 'Operation of the venue and other relevant information' the applicant had written: "*The only articles sold are dances for the dancers, brought by the customer, no other articles are sold.*" The Officer clarified with the applicant that this sentence contained a typographical error and it should in fact read: "*The only articles sold are dances **from** the dancers...*".

The Chairman agreed for the three late representations to be considered as part of the Hearing and the two that had not been included as part of the agenda papers were then tabled to the meeting for reference.

The Committee then heard the individual submissions from each of the parties present.

Mr Philip Kolvin QC, Barrister to the Applicant, advised the Committee that Heaven had been successfully trading since 2006 and the owners were all local, family men. Members were reminded that the application before them was simply seeking approval for the times as granted 12 months ago, with no changes.

The Committee was advised that the Applicant had specifically contacted the local police to confirm that they had no objection to their renewal application and they had raised no issues. He reminded those present that morals were not an adequate reason for objection and argued that the representations made against the application were from a very small percentage of Newmarket's total population.

Lastly, Mr Kolvin made reference to the objection from Newmarket Town Council. He explained that the Applicant had twice requested to meet with the Town Council but had been refused on each occasion.

Mr Gerald Gouriet QC, Barrister to Newmarket Town Council, then addressed the meeting. He stressed that the Town Council was not objecting to the

existence of Heaven, but simply to the location of the premises which was considered entirely inappropriate.

Reference was made to examples of case law that had been circulated to the Committee Members by the Solicitor to Newmarket Town Council. Mr Gouriet stressed that these demonstrated that Licensing Authorities were entitled to come to a different decision to that which was made before when considering annual renewals for sex establishments.

Attention was drawn to the District Council's Sex Establishment Licensing Policy, which stated that:

*"6.3 The Council would not normally grant a licence where any premises within the vicinity are used for the following:*

- (a) school;*
- (b) place of worship;*
- (c) family leisure;*
- (d) domestic residential buildings;*
- (e) important historic buildings;*
- (f) youth facilities;*
- (g) important public and cultural facilities."*

Mr Gouriet argued that (b) – (g) all applied in this case and that the Applicant had not demonstrated any exceptional circumstances as to why the Council should depart from their own Policy.

Mrs Sara Beckett, a Newmarket resident, then addressed the Committee with reference to her representation which was attached as Appendix 10. Similarly to the submission made on behalf of Newmarket Town Council; Mrs Beckett also spoke upon the items (a) – (g) as set out in Paragraph 6.3 of the Council's Sex Establishment Licensing Policy and asserted that the application was in clear conflict with these.

Mrs Beckett also enquired as to whether any of the Committee Members had visited Heaven as a patron and made reference to the premises' NNDR payments. However, the Lawyer interjected at this point and reminded Mrs Beckett that she was only able to speak on the items she had raised within her formal submission and these additional matters were irrelevant to the Hearing and should be disregarded by the Committee.

Mr Robin Hardy, a Newmarket resident, then addressed the Committee with reference to his representation which was attached as Appendix 12. He spoke on what he perceived to be a non-compliance by the Applicant with regard to the requirement for the registered door supervisors to be easily identifiable at all times by use of high visibility clothing.

He echoed the comments made by Newmarket Town Council and Mrs Beckett; as he too considered Heaven to be in an inappropriate location.

Lastly, Mr Andrew Appleby, briefly spoke on his late representation which had been tabled to the meeting and which supported the application.

For the benefit of all parties present, the Lawyer asked the Business Regulation and Licensing Manager to clarify the situation with regard to the two premises which operated from the same address of 109-111 High Street,

Newmarket. He explained that both were owned and operated by the Applicant; Heaven was in the basement and the nightclub Innocence was in the upper floors of the building. The renewal application before Members purely concerned Heaven.

The applicant was then invited to sum up and have right of reply to the objections raised.

Mr Kolvin, highlighted that if the renewal was not granted then the entire business (including Innocence nightclub) would fail. He stressed that Heaven was a successful, well run business which provided employment for over 30, mainly local, people and supported the various Newmarket night-time economy initiatives such as; Pubwatch, the SOS Bus and the Taxi Marshalls scheme.

Lastly, he stated that there had been no evidence produced to demonstrate why the Committee should deviate from the view they took last year when Heaven's licence was renewed.

After hearing the submissions and asking questions of the parties present, the Committee then retired to another room to give further consideration to the application.

It was proposed by Councillor S Cole, seconded by Councillor B Sadler and with the vote being unanimous, it was

**RESOLVED:**

That the application for the renewal of the Sex Establishment Licence for the Sexual Entertainment Venue Heaven Awaits Ltd, 109-111 High Street, Newmarket be **APPROVED** incorporating the standard conditions and the **CURRENT SIGNAGE BE ALLOWED TO REMAIN** in accordance with Condition 20(iii).

The Committee considered all representations received both in writing and orally.

Particular consideration was given to Policy 6.3 of the Sex Establishment Licensing Policy which states that a licence would not normally be granted if other premises as listed in paragraphs a) to g) of that policy were in the vicinity of the premises.

The Committee considered that there had been no change to the character of the vicinity in the last 12 months and was not persuaded that there were sufficient reasons, if any, for departing from the Committee's previous decision.

9. **Urgent Business**

There were no items of Urgent Business raised.

The meeting concluded at 8.36 pm



**Signed by:**

**Chairman**

---

This page is intentionally left blank

# Licensing Committee



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Proposed West Suffolk Joint Gambling Act 2005: Statement of Principles 2016 to 2019</b>	
<b>Report No:</b>	<b>LIC/FH/15/003</b>	
<b>Report to and date/s:</b>	Licensing Committee	29 June 2015
<b>Portfolio holder:</b>	Councillor James Waters Portfolio Holder for Planning and Growth <b>Tel:</b> 07771 621038 <b>Email:</b> <a href="mailto:james.waters@forest-heath.gov.uk">james.waters@forest-heath.gov.uk</a>	
<b>Lead officer:</b>	Tom Wright Business Regulation and Licensing Manager <b>Tel:</b> 01638 719223 <b>Email:</b> <a href="mailto:tom.wright@westsuffolk.gov.uk">tom.wright@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To present and seek adoption for purposes of consultation a joint West Suffolk councils Statement of Principles in accordance with the Gambling Act 2005	
<b>Recommendation:</b>	<b>It is recommended that the proposed West Suffolk Gambling Act 2005: Statement of Principles for the period 2016 to 2019 be approved for consultation.</b>	
<b>Key Decision:</b>  (Check the appropriate box and delete all those that <b>do not</b> apply.)	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/> <i>However, this item <b>is</b> included on both Authorities' Decision Plans for consideration <b>after</b> consultation has taken place.</i>	
<b>Consultation:</b>	To be carried out	
<b>Alternative option(s):</b>	None applicable	
<b>Implications:</b>		
Are there any <b>financial</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Within budget	

<i>Are there any <b>staffing</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>Planned work with current resources</li> </ul>	
<i>Are there any <b>ICT</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>Minimal impact with an online survey being setup</li> </ul>	
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>A Statement of Principles is required under the Gambling Act 2005 – see report body and Appendix 1</li> </ul>	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>No impact identified</li> </ul>	
<b>Risk/opportunity assessment:</b>			
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Failure to consult on a revised statement of principles – resulting in weak and challengeable policy	High	Planned consultation and further review of feedback prior to finalising and process of adoption	Low
<b>Ward(s) affected:</b>		All	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<p>Gambling Commission Guidance to Local Authorities (Fourth Edition)  <a href="http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities-4th-edition.aspx">http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities-4th-edition.aspx</a></p> <p>LGA Guidance  <a href="http://www.local.gov.uk/documents/10180/11309/GA+SoP+guidance+note+-+5+May+2015.pdf/2c5210c2-bbc3-46ec-977f-b34b20445609">http://www.local.gov.uk/documents/10180/11309/GA+SoP+guidance+note+-+5+May+2015.pdf/2c5210c2-bbc3-46ec-977f-b34b20445609</a></p> <p>Cabinet Office 2013:  <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf</a></p>	
<b>Documents attached:</b>		Appendix 1 – Proposed West Suffolk Gambling Act 2005: Statement of Principles	

## 1. Key issues and reasons for recommendation(s)

### 1.0 Background

- 1.1 Under section 349 of the Act, licensing authorities are required to prepare a statement of principles that they propose to apply in relation to their regulatory responsibilities in gambling. Statements of principles typically run for a period of three years, although there is nothing to prevent an authority from updating its statement more frequently if it wishes to.
- 1.2 The current policy will expire in January 2016 and it is therefore necessary to review and revise the Policy to cover the fourth 3 year period: 31 January 2016 to 30 January 2019. Although Forest Heath DC and St. Edmundsbury are two separate licensing authorities, previous statements have been produced together and other than the branding are effectivity the same. The proposed statement at Appendix 1 is the first joint one and will require adoption, after consultation by both councils.
- 1.3 The objective of the statement of principles is to provide a vision for the local area and a statement of intent that guides practice: licensing authorities must have regard to their statement when carrying out their licensing functions. The statement cannot create new requirements for applicants outside of the Act, and cannot override the right of any person to make an application under the Act, make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they can contribute towards positively addressing them.
- 1.4 Updated licence conditions and codes of practice have significant implications for the statement of principles. The **requirement for operators to prepare local risk assessments in relation to all their premises from April 2016 means that licensing authorities will need to set out their expectations of operators' risk assessments, ideally in their statements.** This provides a real opportunity for councils to reflect local needs and issues in their gambling policies, in a similar way to licensing policy statements prepared under the Licensing Act 2003.
- 1.5 Like most licensing authorities we do not experience the same volume of applications in gambling as we do in other areas of licensing, but the wider issues of betting shop clustering and concern over Fixed Odds Betting Terminals (FOBT) have shown that gambling generates extremely strong feeling. While licensing authorities may not have the power to refuse new applications or limit FOBT machines, developing detailed and robust statements of principles that reflect local circumstances will enable them to shape local gambling regulation as much as possible. A statement that reflects local circumstances and risks can help operators to better understand and proactively mitigate the risks to the licensing objectives.
- 1.6 Guidance from the Local Government Association suggests that most licensing authorities will make minor changes to their existing statements in 2015 and may consider more comprehensive updates ahead of the statutory deadline for the next update of the statement in 2019.

- 1.7 The operators risk assessments can make reference to the council’s area profile which may be compiled with respect to reported gambling-related problems in an area. At the time of preparing this edition of the Statement of Licensing Principles there has been no evidence presented to the West Suffolk councils to support the assertion that any part had or is experiencing problems from gambling activities. This position will be kept under review and may change following formal consultation, in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare an Area Profile accordingly.
- 1.8 The proposed Statement of Principles found at Appendix 1 has only undergone minor revision in the absence of currently available data to support local risks and development of a robust gambling area profile. Some of the key changes to the Policy are as follows:

Paragraph	Changes to Policy
Title Page	New title page reflecting joint policy for the West Suffolk councils
Preface	Updated introduction and statement on effect in each licensing authority
Part One: 2.0, 2.1 The West Suffolk councils	New wording providing background to the councils
Part One: 2.2 About the area	New wording to reflect the West Suffolk
Part One: 2.3,2.4. 2.5	Statistical information on the population, economy and skills; and housing profile. This will in part contribute toward an overall area profile of the councils
Part One: 10	New section related to risk assessment and area profile

2.0 **Consultation**

2.1 No initial consultation has been undertaken in the preparation of this draft prior to formal public consultation. Officers propose a 6 week consultation due to the minimal revisions. Consultees will be encouraged to comment on-line wherever possible so that data is electronically captured.

In developing their statements, the Act requires licensing authorities to consult with:

- local police
- those representing the interests of gambling businesses in their localities,
- people likely to be affected by it (or those who represent them).

Authorities may also wish to consult with:

- organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, such as public and mental health teams, and advocacy organisations (such as the Citizen's Advice Bureau and trade unions)
- local businesses

- other tiers of local government (where they exist)
- responsible authorities.

Full details of proposed consultees can be found in Schedule A of the proposed statement.

- 2.2 Results of the consultation, along with a copy of the Statement of Principles, incorporating any amendments, will be feedback to Licensing Committee for endorsement prior to seeking approval at Cabinet and finally adoption at full Council. We are also obliged to advertise the final statement of principles.

This page is intentionally left blank



# **West Suffolk Gambling Act 2005 Statement of Principles**

**Effective 31 January 2016 until 30 January 2019  
(Unless Revised Sooner)**

## **Preface**

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. This document is the first fourth such statement for Licensing Authorities and the first and must, by order of the Secretary of State, be published by 31 January 2016.

Working together, Forest Heath District Council and St Edmundsbury have developed this document with due regard to all available regulations, conditions, codes of practice, statutory guidance, practical experience of legislation and any consultee responses. Should anything in future publications, legislative/regulatory changes or case law impact upon the content of this 'Statement of Principles' document, then it will be taken into account and the document may be updated at a later stage and with due consideration to the resource implications for the Licensing Authority.

All references made within this document to the Gambling Commission Guidance for Licensing Authorities, and any extracts quoted thereof, refer to the fourth edition Guidance document published in September 2012.

Throughout this Statement of Principles the term "The Councils" and "The Licensing Authority" should be read as jointly applying to both Councils Licensing Authority functions i.e. Forest Heath District Council and St. Edmundsbury Borough Council. Where the Statement applies to only one of the Councils, it will be stated which one.

For further information please refer to:

[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)  
[www.culture.gov.uk](http://www.culture.gov.uk)  
[www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk)

If you require this information in another format or language, phone 01638 757400 or email [licensing@westsuffolk.gov.uk](mailto:licensing@westsuffolk.gov.uk) to discuss your need.

## GAMBLING ACT 2005: STATEMENT OF PRINCIPLES

Effective 31 January 2016 until 30 January 2019

<b>CONTENTS</b>	<b>Page</b>
<b>PART A - GENERAL</b>	3
1. The licensing objectives	3
2. West Suffolk councils	3
2.1 Background	4
2.2 About the area	5
2.3 Population	5
2.4 Economy and skills	6
2.5 Housing	6
2.6 Policy Development	6
2.7 Contact details	7
3. Declaration	7
4. Responsible authorities	7
5. Interested parties	8
6. Exchange of information	8
7. Enforcement	9
8. Licensing authority functions	9
9. Appeals	10
10. Risk Assessment and Area Profile	10
<b>PART B - PREMISES LICENCES</b>	13
1. General principles	13
2. Reviews	20
3. Provisional Statements	21
4. Temporary Use Notices	22
5. Occasional Use Notices	23
6. Casinos	24
7. Bingo Premises	24
8. Betting Premises	25
9. Tracks	25
10. Adult Gaming Centres	35
11. (Licensed) Family Entertainment Centres	36
<b>PART C - PERMITS, TEMPORARY USE NOTICES AND OCCASIONAL USE NOTICES</b>	37
1. Unlicensed Family Entertainment Centre gaming machine permits	37
2. Club Gaming Permits	38
3. Club Machine Permits	39
4. (Alcohol) Licensed premises gaming machine permits	41
5. Prize Gaming and Prize Gaming Permits	42
6. Travelling Fairs	43
7. Society Lotteries	44
<b>SCHEDULES</b>	
A: 'Statement of Principles' Consultee list	46
B: Interpretation and reference for Gambling Act 2005 terminology	47
C: Gambling machine entitlement by premises type	50
D: Authorised Gambling Activities	51

## PART A - GENERAL

### 1.0 The Licensing Objectives

1.1 In exercising most of its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005 ('the Act'). The licensing objectives are:

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

The Gambling Commission has stated, with limited exceptions, the intention of the Gambling Act 2005 is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children excepting category D machines.

1.2 In accordance with section 153 of the Act, in making decisions about premises licenses and temporary use notices the Licensing Authority should **aim to permit** the use of the premises for gambling purposes in so far as it thinks it:

1. in accordance with any relevant code of practice issued by the Gambling Commission;
2. in accordance with any relevant guidance issued by the Gambling Commission;
3. reasonably consistent with the licensing objectives; and
4. in accordance with the Authority's statement of principles.

### 2.0 The West Suffolk councils

#### 2.1 Background

2.1.1 Forest Heath District Council and St Edmundsbury Borough Council are both district councils in terms of their functions and in 2011 both councils agreed to build on several years of informally sharing services by creating a West Suffolk partnership. The partnership is designed to retain each council's individual

identity while having a single staff team working across the councils boundaries (and beyond, through working with other partners).

2.1.2 Since 2011 the West Suffolk councils have adopted several joint policies and strategies and also a shared constitution for West Suffolk which allows the councils to maintain their own local identity where appropriate whilst simplifying how meetings are conducted, decisions are made decision-makers are held to account. The constitution is considered the foundation of every council and the shared document ensures there is a consistent decision-making process throughout all areas of both councils.

2.1.3 The West Suffolk councils have also adopted a joint Strategic Plan which sets out the vision, priorities and key actions for West Suffolk. The specific actions for the shared vision and strategic priorities are contained in the West Suffolk Strategic Plan, available at: [www.westsuffolk.gov.uk/strategicplan](http://www.westsuffolk.gov.uk/strategicplan).

2.1.4 Further information about the services provided by the West Suffolk partnership can be found at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk).

## 2.2 About the area



2.2.1 The area of West Suffolk comprises the council areas of Forest Heath and St Edmundsbury, two predominantly rural districts in the heart of East Anglia. Well-connected with London, the rest of East Anglia and the Midlands, West Suffolk is a safe and comparatively prosperous place in which to live. It also has some beautiful and accessible countryside areas, including grassland, heath and forest.

2.2.2 Forest Heath has three main market towns, Newmarket, Mildenhall and Brandon. St Edmundsbury has two: Bury St Edmunds and Haverhill.

2.2.3 Bury St Edmunds, the largest settlement in West Suffolk, has been a prosperous town for centuries, with people drawn to its market and Georgian architecture, shops, leisure and cultural facilities.

- 2.2.4 Newmarket is known as the 'home of horseracing'. It has more racehorses, trainers, stable staff, stud farms and racing organisations in and around the town than anywhere else in the world, with racing accounting for a significant number of local jobs.
- 2.2.5 Haverhill, Mildenhall and Brandon expanded significantly in the 1970s due to the construction of new housing to accommodate families moving as part of the Greater London Council's expansion programme.
- 2.2.6 Today, West Suffolk has a thriving, diverse economy, embracing a number of business sectors. These include tourism, food and drink, life sciences and advanced manufacturing, including a number of businesses trading with the two major US Air Force bases in West Suffolk.
- 2.2.7 In all of West Suffolk's towns and rural areas, many of the residents benefit from a good quality of life. However, some areas have suffered more than others from the impact of the economic downturn, and others are facing issues such as: rural isolation; a lack of skills or qualifications amongst young people; an ageing population with some in need of more specialist housing or care; poverty; or health deprivation.

### 2.3 **Population**

- In 2013, the population of West Suffolk was 173,000 (61,200 in Forest Heath, 111,800 in St Edmundsbury), (Office for National Statistics mid year estimates 2013).
- Between 2012 and 2013, the population of Forest Heath grew by 0.8% and the population of St Edmundsbury grew by 0.2% (Office for National Statistics mid year estimates 2013).
- West Suffolk has an ageing population. In 2011, 18% of the population were aged over 65, compared to an England average of 16.3% (Census 2011).
- Forest Heath is the most ethnically diverse district in Suffolk. In 2011 it had the smallest percentage of White (Eng/Welsh/Scot/NI) people - 77.2% compared to a Great Britain average of 80.5% (Census 2011).
- St Edmundsbury's percentage of White (Eng/Welsh/Scot/NI) people was 91.6% in 2011 (Census 2011).
- In 2011, 48.1% of Forest Heath's population considered themselves to be in good health and the percentage of people in St Edmundsbury who considered themselves to be in good health was 47.3% (Census 2011).
- West Suffolk's households are spread across a large rural area, plus five main settlements. The distribution of the population is: villages and outlying areas 38%; Bury St Edmunds 25.5%; Haverhill 15%; Newmarket 10.5%; Brandon 6% and Mildenhall 5% (Census, 2011).

### 2.4 **Economy and skills**

- As at March 2014, 83% of Forest Heath and 93.1% of St Edmundsbury's 16-64 year olds were economically active compared to 77.4% in Great Britain as a whole (NOMIS Annual population survey).
- In 2013, 74.7% of West Suffolk employees worked in services, 14% worked in manufacturing and 6.5% worked in construction (NOMIS Annual Population Survey).

- In 2011, the percentage of residents aged over 16 with at least NVQ Level 1 or equivalent qualifications in Forest Heath was 74.3% and in St Edmundsbury was 77.6%, compared to an England average of 77.5% (Census 2011)
- In 2013, the proportion of young people achieving 5+ A\*-C GCSEs including English and Maths was 48.8% in Forest Heath and 60.4% in St Edmundsbury, compared to an England average of 60.9% (Department for Education)

## 2.5 Housing

- The average household size in West Suffolk is 2.3 people (Forest Heath) or 2.4 people (St Edmundsbury), the England average is 2.4 people (Census, 2011)
- Between 2001 and 2011, the number of households in Forest Heath increased by 4.12% and in St Edmundsbury by 8.53%, compared to an England and Wales average of 3.40% (Census 2011)
- In 2014, the ratio of lower quartile earnings to lower quartile house prices was 1:9.9 in Forest Heath and 1:11.7 in St Edmundsbury. The England average was 1:6.59 (HM Land Registry)
- In June 2014, the average cost of renting a home in Forest Heath was £832 per month and in St Edmundsbury it was £700 per month. The average for Suffolk was £589 per month and England was £728 per month (National Housing Federation)
- In 2013/14 the rate of homelessness in Forest Heath was 2.7 households per 1,000 and in St Edmundsbury it was 4.3 households per 1,000, compared to an England average of 2.3 households per 1,000 (DCLG 2014)

## 2.6 Policy Development

2.6.1 Licensing Authorities are required by the Act to publish a statement on the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts must be re-consulted upon. Following any amendment and consultation, the revised statement will then be re-published.

2.6.2 West Suffolk councils consult widely upon this statement of principles before it is finalised and published. The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

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

A list of the persons consulted by the Licensing Authority is attached to this document as **Schedule A**. The consultation is took place **between ????** and **???? 2015**.

2.6.3 The statement of principles was placed before a meeting of the full Council of **Forest Heath District Council on ?? MONTH 2015 and St Edmundsbury Borough Council on the ?? MONTH 2015** published on the Councils website by January 2016. Copies were placed in the public libraries within the West Suffolk area as well as being available at the Councils main offices. Should you have any comments concerning this document then please send them via e-mail or letter to the Licensing Authority as above.

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

## 2.7 Contact Details

### **Forest Heath District Council**

Environmental Health  
District Offices  
College Heath Road  
Mildenhall  
Suffolk  
IP28 7EY

### **St Edmundsbury Borough Council**

Environmental Health  
West Suffolk House  
Western Way  
Bury St Edmunds  
Suffolk  
IP33 3YU

or:

Telephone: 01284 757400

Fax: 01638 719357

e-mail: [licensing@westsuffolk.gov.uk](mailto:licensing@westsuffolk.gov.uk)

web: [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk)

## 3.0 Declaration

3.1 In producing this statement of principles the Licensing Authority declares that it has had due regard to the licensing objectives of the Gambling Act 2005 (see 1.1 of this document), the Guidance issued by the Gambling Commission, and any responses from those consulted on the statement of principles.

## 4.0 Responsible Authorities

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

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.



- 4.2 In accordance with Gambling Commission Guidance for Licensing Authorities. This Authority intends to designate the **Suffolk Local Safeguarding Children Board** for this purpose. The Suffolk Local Safeguarding Children Board has an arrangement with the Suffolk Constabulary for the Constabulary to act as their nominated agent in relation to Gambling Act 2005, when considering applications with a view to protecting children from harm.
- 4.3 The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the West Suffolk Councils website at or available upon request to the Licensing Service.

## **5.0 Interested parties**

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Gambling Act 2005 defines interested parties as persons who:
- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
  - b) have business interests that might be affected by the authorised activities; or
  - c) represents persons who satisfy paragraph (a) or (b).
- 5.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits; and
  - The Licensing Authority will not apply a rigid rule to its decision making. It may have regard to a number of factors, for example:
    - The size of the premises;
    - The nature of activities the applicant proposes to provide at the premises; and
    - Guidance from the Gambling Commission that "business interests" should be given the widest possible interpretation (see paragraph 24 of the Gambling Commission guidance).
- 5.3 Interested parties can include persons who are democratically elected such as County, parish and town councillors' and, MPs. Other than these persons, the Licensing Authority will normally require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities.
- 5.4 If individuals approach Councillors' to ask them to represent their views then care should be taken that the Councillors' are not subsequently appointed as part of a Licensing Sub-Committee who may be involved with the determination of dealing with the licence application. If any further guidance is required, generally or in individual cases, then please contact the Licensing Section at Forest Heath District Council.

## 6.0 Exchange of Information

- 6.1 This Licensing Authority will, when exchanging information which it holds relating to gambling premises, permits and temporary permissions, apply the following principles:
1. act in accordance with the provisions of the Gambling Act 2005;
  2. comply with the Data Protection Act 1998 and any subsequent or supplementary guidance provided by the Information Commissioner;
  3. comply with any relevant requirements of the Freedom of Information Act 2000;
  4. have regard to Part 13 of the Guidance issued by the Gambling Commission on this matter;
  5. the Gambling Commission's publication '*Advice to Licensing Authorities on information exchange with the Gambling Commission*' (as may be periodically updated); and
  6. any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established pursuant to section 350 of the Act concerning information exchange with the other bodies as listed in Schedule 6(1) of the Act then these will be made available by the Licensing Authority.

## 7.0 Enforcement

- 7.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified. West Suffolk Councils Corporate Enforcement Policy will be applied when considering, managing and taking enforcement action. A copy is available on the Council's website ([www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk))
- 7.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission Guidance (in particular Part 36), the Regulators' Compliance Code, shall endeavour to regulate in the public interest and be:
- **Proportionate:** regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - **Consistent:** rules and standards must be joined up and implemented fairly;
  - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
  - **Targeted:** regulation should be focused on the problem, and minimise side effects.

- 7.3 In accordance with the Gambling Commission Guidance, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 Any inspection programme, which may be adopted by the Licensing Authority, shall be risk-based. This would include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more effectively concentrated on problem premises. Further detail are available upon request.
- 7.5 The enforcement and compliance role for the Licensing Authority under the Gambling Act 2005 is to ensure compliance with the Premises Licenses and other permissions, which it authorises. The Gambling Commission is the enforcement body for Operator and Personal Licenses. Manufacture, supply or repair of gaming machines is dealt with by the Gambling Commission and not by the licensing authority.
- 7.6 This Licensing Authority will also endeavour to work in partnership with and support local businesses, having due regard to the stated principles and any best practice guidelines published by the Better Regulation Executive, in respect of its responsibilities under the Gambling Act 2005 and other regulatory functions of the Local Authority.
- 7.7 With due regard to the principle of transparency, any enforcement/compliance protocols or written agreements developed by the Licensing Authority shall be made available upon request to the Licensing Team.
- 7.8 In considering applications, and taking enforcement action, under the Gambling Act 2005 the Licensing Authority shall duly consider any Human Rights Act 1998 implications (in particular Article 1, Protocol 1 and Articles 6, 8 and 10).

## **8.0 Licensing Authority functions**

- 8.1 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling, the main functions of which are to:
- Consider **notices** given for the temporary use of premises for gambling;
  - Grant **permits** for gaming and gaming machines in **clubs and miners' welfare institutes**;
  - Regulate gaming and gaming machines in **alcohol-licensed premises**;
  - Grant **permits** to **Family Entertainment Centres** (FEC's) for the use of certain lower stake gaming machines;
  - Grant permits for **prize gaming**;
  - Consider **occasional use notices** for betting at tracks;
  - Register small societies' lotteries;
  - Consider applications for **provisional statements**;
  - Provide information to the Gambling Commission regarding details of licences, permits, notices and registrations issued (see section 6 above on 'Exchange of Information');
  - Maintain registers of the permits, notices and licences that are issued under these functions; and
  - Prepare and publish, every three years (or sooner if required), a

**statement of the principles** it proposes to apply when exercising its functions under the Gambling Act 2005.

Additions or amendments to the list above notified by the Gambling Commission will be published on the Council's Website or upon request direct to [licensing@forest-heath.gov.uk](mailto:licensing@forest-heath.gov.uk)

8.2 The Councils summary of delegations adopted under the Gambling Act 2005 is available separately via the Council's website at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk) or upon request to the Licensing Service.

8.3 It should be noted that local Licensing Authorities are not responsible for licensing remote gambling. This is the responsibility of the Gambling Commission.

## **9.0 Appeals**

9.1 Appeals relating to premises licensing and other decisions by licensing authorities are covered within the relevant legislation and regulations and are referred to in Part 12 of the Gambling Commission guidance.

## **10.0 Risk Assessment and Area Profile**

10.1 The Gambling Commission issue codes of practice under section 24 of the Gambling Act 2005, about the manner in which facilities for gambling are provided to ensure that:

- gambling is conducted in a fair and open way
- children and other vulnerable people are protected from being harmed or exploited by gambling
- assistance is made available to people who are, or may be, affected by problems related to gambling.

10.2 Codes of practice are either:

- social responsibility code provisions - which must be adhered to by all licence holders
- ordinary code provisions – these do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

10.3 New code provisions covering risk assessments and local authority area profiles will come into force in April 2016 More detail can be found by going to the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) following are extracts relating to this aspect:

10.4 Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated. For example the proximity of schools, churches, etc. and/or whether the business is located on a walking route for local schools.

#### 10.4.1 Social responsibility code provision 10.1.1

##### **Assessing local risk**

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2. Licensees must review (and update as necessary) their local risk assessments:
  - a. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
  - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - c. when applying for a variation of a premises licence; and
  - d. in any case, undertake a local risk assessment when applying for a new premises licence.

#### 10.4.2 Ordinary code provision 10.1.2

##### **Sharing local risk assessments**

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

1. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

### **Area Profiles**

- 10.5 Such risk assessments can make reference to the council's Area profile which may be compiled with respect to reported gambling-related problems in an area. At the time of preparing this edition of the Statement of Licensing Principles there has been no evidence presented to the West Suffolk Councils to support the assertion that any part had or is experiencing problems from gambling activities. This position will be kept under review and, in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare an Area Profile accordingly.

## PART B – PREMISES LICENCES

### 1.0 General Principles

1.1 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations. Premises licences may have conditions attached to them, which may be attached:

- (a) automatically, having been set out on the face of the Act ;
- (b) through regulations made by the Secretary of State;
- (c) by the Gambling Commission, to operating and personal licences;
- (d) by the licensing authority, to premises licences and some permits; and
- (e) by the licensing authority, by excluding certain default conditions on a premises licence.

1.2 When determining an application, this Licensing Authority **aims to permit** the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission under s.24 of the Act;
- in accordance with any relevant guidance issued by the Gambling Commission under s.25 of the Act;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of principles.

1.3 This licensing authority **aims to** regulate gambling activity in the public interest.

1.4 In exercising its licensing functions, once its discretion is engaged, the licensing authority will consider the direct impact of the licensable activities on members of the public living, working or engaged in normal activity in the vicinity of licensed premises.

1.5 The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

1.6 The aims of this Statement of Licensing Principles is to:

- Help to encourage and support a strong and inclusive society that balances the rights of individuals and their communities.
- Integrate the Licensing Authority's aims and objectives with other initiatives and strategies that will:
  - reduce crime and disorder;
  - encourage tourism and cultural diversity;
  - encourage the self sufficiency of local communities; and
  - reduce the burden of unnecessary regulation on business.

1.7 This Statement of Licensing Principles does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions

and to have such an application considered on its merits where the Licensing Authority's discretion has been engaged. It does not seek to override the right of any person to make representations on or about an application or seek a review of a Licence or Certificate where provision has been made for them to do so in the Act.

1.8 The licensing process can only seek to regulate those measures within the control of the licensee or certificate holder (and their staff/agents), and in the immediate vicinity of the premises involved in licensable activities. Licensing law is not a mechanism for the general prevention of anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder, nor is it the cure-all for all community problems.

1.9 **Definition of "premises"**: Premises is defined in the Act as "any place". A particular premises can not be granted more than one premises licences under the Gambling Act at any one time. It is possible for a single building to be subject to 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 separate premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

1.10 The Licensing Authority takes particular note of the Gambling Commission Guidance, which states that Licensing Authorities should take particular care when considering applications for multiple licenses for more than one premises licences for a single building, applications for a premises licence where part of the premises is used for non-gambling purposes. In particular the Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people can not 'drift' into a gambling area;
- premises are configured so that children are not invited to participate in, have accidental access to, or able to closely observe gambling where they are prohibited from participating; and
- customers are able to participate in the principal gambling activity authorised by the premises licence.

1.11 The Licensing Authority takes particular note of the Gambling Commission Guidance, which states that Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises, whether licensed or unlicensed. The Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people can not 'drift' into a gambling area;

- premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and
- customers are able to participate in the principal gambling activity authorised by the premises licence.
- children can gain access to the premises;
- the two establishments are compatible; and
- The proposed licence holder would be able to comply with the requirements of the Act, for example, mandatory operating licence conditions; and
- Gambling Commission Guidance in relation to division, separation or splitting of premises and primary gambling activity (Part 7 of statutory guidance).

In addition an overriding consideration for the Licensing Authority is 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.

1.12 Where an application is made in respect of a premises to be constructed or altered the Licensing Authority will consider each application on its own merits having due regard to the advice given by the Gambling Commission in its Guidance (particularly sections 7.59 to 7.66). The Licensing Authority will consider:

- if a future effective date on the licence is appropriate; or
- the licence should be issued subject to a condition that trading shall not commence until the premises have been completed in all respects and in accordance with the scale plans provided with the application.

The Licensing Authority may require inspection of the completed works or written confirmation from the applicant, their agent or surveyor to satisfy the Authority that the completed works comply with the original, or changed, plan attached to the premises licence.

1.13 **Primary Gambling Activity**

The licensing authority takes particular note of the Gambling Commission guidance which states that licensing authorities exercise care when considering applications to ensure that the primary gambling activity of the premises should be that described by the premises licence type. For example, in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises.

1.14 **Location:** Demand or need for licensed premises cannot be considered with regard to the location of premises. In accordance with the Gambling Commission Guidance, the Licensing Authority will pay particular attention to protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon concerning areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the possibility for the applicant to show how any concerns can be overcome.



- 1.15 **Duplication with other regulatory regimes:** The Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems wherever possible, including planning, building control, health and safety and fire safety. ***Should it come to the attention of the Licensing Authority that planning conditions or other regulatory restrictions/controls may impact on a premises operator's ability to comply with mandatory or default conditions then it may alert the applicant accordingly. The grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.***
- 1.16 The premises operators are normally responsible for compliance with any other statutory requirements which may apply (for example, Regulatory Reform (Fire Safety) Order).
- 1.17 The Licensing Authority will seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence (or, in certain circumstances, permit) holder. Once the discretion of the Licensing Authority is engaged, it is only where additional and supplementary measures are necessary to promote the licensing objectives that necessary and proportionate conditions will be attached to a licence.
- 1.18 Other Local Authority and Government policies, strategies, responsibilities, and guidance documents may also refer to the licensing function, and the Licensing Authority may liaise with the relevant authorities or its directorates with regard to these. Whilst some of these may not be directly related to the promotion of the licensing objectives, they can indirectly impact upon them. For example, the Licensing Authority will liaise closely with the local Safer Neighbourhood Teams (SNT) and/or Crime and Disorder Reduction Partnership (CDRP) to ensure that the Local Authority can develop effective strategies that take full account of local crime and disorder issues.

It is the Licensing Authority's intention that it will, through its Licensing Committee monitor how the matters set out in this paragraph impact on the Licensing Authority's licensing and other functions, in order to integrate its licensing function with other relevant strategies.

The Licensing Authority will maintain a list of those strategies and policies with which it seeks to integrate its aims and objectives on the website, at [www.stedmundsbury.gov.uk](http://www.stedmundsbury.gov.uk).

- 1.19 **Licensing objectives:** Premises Licenses granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission Guidance and provides some commentary below:

**(1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:**

The Gambling Commission takes the leading role in preventing gambling from being a source of crime. Where a particular area is associated with criminal activity the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate, for example the provision of door supervisors. There is a distinction between disorder and nuisance, and Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed when determining applications under the Gambling Act 2005.

**(2) Ensuring that gambling is conducted in a fair and open way:**

The Gambling Commission stated in its Guidance that it would, with the exception of tracks (see Part B section 7 of this document); generally not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this is addressed via Operator and Personal licensing requirements. If the Licensing Authority suspects that gambling is not being conducted in a fair and open way then this will be brought to the attention of the Gambling Commission for its further consideration.

**(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling:**

The Gambling Commission has stated, with limited exceptions, that the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children (excepting category D machines). With the exception of bingo clubs, tracks on race-days and licensed family entertainment centres, children should not be permitted to enter licensed gambling premises.

The Licensing Authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include such matters as supervision of entrances/machines or segregation of areas.

The Licensing Authority will also have due regard to any relevant Codes of Practice issued by the Gambling Commission concerning this licensing objective in relation to specific premises.

"vulnerable persons" but states that "for regulatory purposes assume that this group includes people who:

- gamble more than they want to;
- gamble beyond their means;

- who may not be able to make informed or balanced decisions about gambling due to a mental health needs, alcohol or drugs.”

The Licensing Authority will consider this licensing objective on a case by case basis.

#### 1.20 **Conditions:**

Since the Licensing Authority must aim to permit the use of premises for gambling, it will not attach conditions which limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:

- in accordance with the Gambling Commission Guidance, the Commission’s codes of practice or this Licensing Authority’s Statement of Principles; or
- in a way that it is reasonably consistent with the Licensing Objectives.

This Licensing Authority notes that conditions on premises licences should only relate to gambling, and it is not necessary, proportionate or appropriate to impose conditions on a premises licence where the Gambling Commission’s Licence Conditions and Codes of Practice, or other legislation, places the same or similar duties, responsibilities or restrictions on an employer or the operator of gambling premises.

This Licensing Authority shares the view of the Gambling Commission that the mandatory and default conditions set by the Secretary of State will normally be adequate for the general good conduct of gambling premises. However, where there are specific, evidenced risks or problems associated with a particular locality, specific premises, or class of premises in its area then the Licensing Authority may be able to attach individual conditions to address this.

Any conditions attached by the Licensing Authority to a premises licence shall be:

- carefully considered in view of the matters mentioned above;
- proportionate;
- directly related to the premises and the type of licence applied for;
- relevant to the need to make the proposed building suitable as a gambling facility;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Sections 169 to 172 of the Act set out certain matters that may not be the subject of Licensing Authority conditions, as set out below:

- any condition on the Premises Licence which makes it impossible to comply with an Operator Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership

- requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

The Licensing Authority will have due regard to these when considering the need for conditions.

1.21 The Licensing Authority will also consider specific measures, which may be required for buildings, which are the subject of more than one Premises Licence.

In considering these matters the Licensing Authority shall have due regard to:

- any mandatory or default conditions of licence;
- any relevant Codes of Practice (particularly social responsibility provisions linked to operator licences) issued by the Gambling Commission; and
- Gambling Commission Guidance.

Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in specific non-adult gambling premises in order to promote the licensing objectives.

1.22 The Licensing Authority must be satisfied that where category C or above machines are available in premises to which children are admitted:

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

These considerations may apply to premises including buildings where more than one Premises Licence is applicable.

1.23 Tracks may be subject to one, or more than one, Premises Licence provided each licence relates to a specified area of the track. In accordance with the Gambling Commission Guidance, the Licensing Authority will consider the impact upon the protection of children and vulnerable adults licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.24 In accordance with Gambling Commission Guidance, the Licensing Authority may consider whether door supervisors are necessary and appropriate in the particular circumstances in order to:

- prevent premises from becoming a source of crime or disorder; or
- protect children and vulnerable persons from being harmed or exploited by gambling.

Should the Licensing Authority consider that door supervisors are necessary and appropriate in the particular circumstances to promote the licensing objectives for a particular premises, it will normally expect that any person employed as a door supervisor at that premises will either:

- meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption for the licensing of door supervisors by the SIA for casino and bingo premises); or
- the holder of the operator licence will have recruitment criteria for their door supervisors, which may specify:
  - (i) a minimum training standard (whether within the organisation, or a nationally accredited training course); and
  - (ii) an assessment of whether that individual is fit and proper, for example by means of a subject access search, Criminal Records Bureau (CRB) basic disclosure or other means.

## **2.0 Reviews**

2.1 An application for review of a premises licence may be made by:

- an interested party;
- a responsible authority; and
- the Licensing Authority, for :
  - a particular class of premises licence; or
  - in relation to a particular premises, and
- it is for the Licensing Authority to determine whether the review is to be carried-out.

2.2 Any request for a review should normally relate to matters relevant to one or more of the following:

- any relevant code of practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives; and
- the Licensing Authority's statement of principles.

When considering any review request, or whether to instigate its own review, the Licensing Authority will have due regard to the guidance issued by the Gambling Commission and consider;

- each application on its merits;
- whether matters raised in the application are frivolous or vexatious;

- whether the application would certainly not cause the it to amend/suspend or revoke the licence; or
- whether the request is substantially the same as any previous representations or requests made for a review or previous application for the same premises.

Officers of the Authority may attempt informal mediation or dispute resolution techniques, where practicable, prior to a review being conducted.

2.3 A review application must only be determined by a sub committee, and not by an officer. The purpose of a review is to determine whether the Licensing Authority should take any action in relation to the licence. The Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations. If action is justified, the options are to:

- add, remove or amend a licence condition imposed by the Licensing Authority;
- exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such and exclusion;
- suspend the premises licence for a period not exceeding 3 months; or
- revoke the premises licence.

### **3.0 Provisional Statements**

3.1 An applicant may apply for a full premises licence where the premises are uncompleted or unaltered (see Part B section 1.7 of this document). However an applicant for a provisional statement does not need the right of occupation or an operator licence (granted or applied for), which are required in order to apply for a premises licence.

3.2 An application may be made to the Licensing Authority, under section 204 of the Act, for a provisional statement in respect of premises that the applicant expects to;

- be constructed;
- be altered; or
- acquire a right to occupy.

An application may also be made for a provisional statement for premises which already have a premises licence (either for a different type of gambling or the same type).

3.3 When considering an application for a provisional statement the Licensing Authority shall have due regard to the guidance issued by the Gambling Commission (in particular Part 11). Subject to any necessary modifications, the process for considering an application for a provisional statement is the same as that for a premises licence, including the rights of interested parties and responsible authorities to make representations and rights of appeal.

3.4 If representations about Premises Licence applications, following the grant of a Provisional Statement are received, they may not be taken into account unless they concern matters which could not have been addressed when determining the Provisional Statement, or they reflect a material change in the circumstances of the application. The Licensing Authority must determine the Premises Licence, referring only to matters:

- which could not have been raised by way of representations at the Provisional Statement stage;
- which in the Licensing Authority's opinion reflect a change in the operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. If there are substantial changes to the plan the Licensing Authority will discuss any concerns with the applicant before making a decision.

3.5 In accordance with section 210 of the Act (which applies to premises licences and provisional statements), the Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

#### **4.0 Temporary Use Notices**

4.1 Temporary Use Notices (TUN) allow the use of premises for gambling where there is no Premises Licence but where a licensed gambling operator wishes to use the premises for providing facilities for equal chance gaming. The Gambling Commission Guidance suggests that premises that might be suitable for TUNS may include hotels, conference centre's and sporting venues, and that equal chance gaming may include games such as backgammon, mah-jong, rummy, kapok, dominoes, cribbage, bingo and poker But may not be provided by means of machine.

4.2 There are a number of statutory limits that apply in respect of a TUN, including that a TUN may only be granted to a person or company holding a relevant Operator Licence, in effect a non-remote Casino Operating licence, and limitations on the number of times a 'set of premises' can be used under these provisions.

4.3 A 'set of premises', as referred to in section 218 of the Act, is the subject of a TUN if any part of the premises is the subject of a notice. This reference to 'premises' is not the same as that in Part 8 of the Act and prevents one large premises from serving a TUN for different parts of the premises and exceeding the statutory limit of 21 days in any 12 month period.

4.4 The Licensing Authority will take into account Gambling Commission Guidance when considering whether a place falls within the definition of a 'set of premises'. This consideration may include looking at the ownership, occupation and control of the premises. The Gambling Commission Guidance advises that: "This is a new permission and Licensing Authorities should be ready to object to

notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

- 4.5 Where a notice of objection is received in respect of a Temporary Use Notice, the licensing authority will hold a hearing and consider representations from:
- the person who gave the notice
  - any person who objected to the notice; and
  - any party who was entitled to receive a copy of the Temporary Use Notice.

Where all parties agree that a hearing is unnecessary, the hearing may be dispensed with.

- 4.6 Where objections are made, a modification to the TUN may be proposed, which could include:

- a reduction in the number of days when gambling occurs;
- a restriction on the type of gambling which may take place.

- 4.7 Where, following a hearing, or after a hearing has been dispensed with, the licensing authority considers that the temporary use notice should not have effect, it must issue a counter notice which may:

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted
- limit the time period of the gambling
- allow the activity to take place subject to a specified condition.

- 4.8 The principles which the licensing authority will apply in determining a TUN are those which it will apply when determining a premises licence, as set out at part B, General principles, subject to its view as to whether it accords with a:

- commission code;
- the Guidance issued by the Gambling Commission;
- this licensing authority's statement of licensing policy; and
- is reasonably consistent with the licensing objectives.

## **5.0 Occasional Use Notices**

- 5.1 Occasional Use Notices (OUN) permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is taking place is of a temporary, infrequent nature. The OUN dispenses with the need for a betting Premises Licence for the track in these circumstances.

- 5.2 The OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track.

- 5.3 The Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority must consider the definition of a 'track', which need not be a permanent fixture, and whether the applicant is eligible to serve the notice.



## **6.0 Casinos**

6.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but retains the power to do so. Any change will be published on the Council's Website and the Statement of Principles in the intervening period.

6.2 Where a Licensing Authority area has the power to determine a Premises Licence application for a new style casino, it will do so following any regulations under Section 175 of the Gambling Act 2005 published by the Secretary of State.

6.3 The Act lays down a framework for a two-stage process for considering applications in circumstances where the number of applications exceeds the number of licences available, and this will be followed by the Licensing Authority.

### **6.4 Licence considerations/conditions:**

The Licensing Authority shall have due regard to the Gambling Commission guidance in relation to the suitability and layout of casino premises, and also the guidance issued by the Commission on primary gambling activity at casino premises.

### **6.5 Betting machines:**

Where betting is permitted in a casino, the Licensing Authority will normally, in accordance with the Gambling Commission Guidance and when considering whether to impose a condition to restrict the number/nature/circumstances of betting machines (bet receipt terminals) made available in particular premises, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons,.

## **7.0 Bingo premises**

7.1 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category B or C or machines are made available for use on premises to which children are admitted Licensing Authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; and
- only adults are admitted to the area where the machines are located.

7.2 The Licensing Authority shall have due regard to relevant licence conditions and codes of practice in relation to the operation of Bingo premises, and also the Gambling Commission's guidance about the particular issues that Licensing Authorities should take into account in relation to the suitability and layout of

bingo premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

## **8.0 Betting premises**

### **8.1 Betting machines:**

The Licensing Authority will normally, in accordance with the Gambling Commission Guidance; take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (It is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines (bet receipt terminals) an operator wants to make available. Children and young persons will not be able to enter premises which hold a Betting Premises licence, unless the special rules applying to tracks are applicable.

8.2 The Licensing Authority shall have due regard to the Gambling Commission's guidance in relation to the suitability and layout of betting premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

8.3 Betting Machines (Bet receipt terminals) are not gaming machines under the Act, and do not accrue against the premises entitlement for gaming machines, unless the machine is designed or adapted for use to bet on **virtual** races (that is, images generated by computer to resemble races or other events) in which case it is considered a gaming machine. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.

## **9.0 Tracks**

9.1 Tracks are defined under the Act as "a horse race course, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place" Examples of tracks include:

- A horse racecourse
- A greyhound track
- A point to point horse race meeting
- Football, cricket and rugby grounds
- An athletics stadium
- A golf course
- Venues hosting darts, bowls or snooker tournaments
- Premises staging boxing matches
- Sections of river hosting a fishing competition
- A motor racing event

This list is not exhaustive, but gives an example of the types of venue which could accommodate the provision of betting facilities.

9.2 There are three types of authorisation under which betting facilities may be made available at a sporting event:

- An occasional use notice (see paragraph...)
- A temporary use notice (see paragraph...) and
- A track premises licence.

Betting in relation to tracks may be provided either as on course, or off course betting. The different types of betting are explained in detail in the Guidance issued by the Gambling Commission, and an up to date excerpt of this guidance is published at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

- 9.3 A betting premises licence permits premises to be used for the provision of facilities for betting, whether by:
- Making or accepting bets
  - Acting as a betting intermediary; or
  - Providing other facilities for the making or accepting of bets.
- 9.4 Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specific area of the track. This allows track venues to develop leisure facilities such as a casino and apply for a (casino) premises licence for that part of the track.
- 9.5 There is no special class of betting Premises Licence for a track, but the Act does contain rules which apply specifically to Premises Licences granted in respect of tracks.
- 9.6 Special rules apply to applicants for a Premises Licence in relation to a track. Most importantly the applicant need not hold an Operator licence. That is because, unless the occupier of the track wishes to offer pool betting (or general betting) facilities himself (for which he will need a licence) the betting that is provided upon the track will not be provided by him, but will be provided by other operators who come on-course. Since those people will require the necessary Operator Licences, the Act allows the track operator to obtain a Premises Licence without also having to hold an Operator Licence. This track Premises Licence then authorises anyone upon the premises with a valid Operator Licence to offer betting facilities.
- 9.7 Track premises licences are distinguished from all other premises licences because children and young persons are allowed to be present on the track while betting is taking place on those licensed premises.
- 9.8 Track premises that safeguard the achievement of the three licensing objectives may generally be considered fit for gambling, and some general principles hereby licensing authorities can establish whether a track is fit for provision of gambling facilities are, as follows:

Licensing objective	Issues to consider	Reason to consider a track premises unfit for
---------------------	--------------------	---

		<b>gambling purposes?</b>
<b>The protection of children and other vulnerable persons from being harmed or exploited by gambling</b>	Tracks permit access to children.	No - Children are allowed access to tracks on race days.
	Bet receipt terminals in areas where there is no supervision which would allow children or young persons to use machines undetected.	No - It is a mandatory condition of the operating licence that operators ensure that bet receipt terminals are supervised. This is not an issue for the premises licence.
	Children are allowed access to areas holding category B and C gaming machines.	It is a mandatory condition of the operating licence that operators ensure that children are not allowed access to areas where category B and C gaming machines are provided. However, section 182 of the Act also creates a premises licence condition that children and young persons must be excluded from areas where any gaming machines other than category D are located.
	Betting areas adjacent to areas where children/young persons are present such as play areas	No - Children are allowed access to tracks on race days and so will be exposed to gambling areas. It is a mandatory condition of the operating licence that operators do not accept bets from children or young persons.

	Betting areas adjacent to areas where children/young persons are present such as play areas	The Commission considers that the location of betting does not generally pose a risk to this licensing objective. Licensing authorities may impose their own local conditions where they perceive problems.
<b>Ensure gambling is conducted in a fair and open way</b>	The rules of betting are not displayed on the premises.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that the rules of betting are displayed.
	Unlicensed betting operators are allowed to operate on tracks.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that licence holders make arrangements to ensure that they only allow licensed operators on track.
	Betting takes place out of approved hours.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that betting only takes place within the specified hours.
<b>Prevent gambling from being a source of crime and disorder</b>	Betting is allowed in all parts of a track resulting in greater difficulties for track premises licence holders to identify instances of illegal Betting.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.

	No formal exit/entry points allowing easy access for unapproved operators and customers.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.
--	--	---

The Licensing Authority will take any such guidance into consideration when determining an application for a track premises licence.

### 9.9 Access to premises and other parts of the track

Access between premises licensed for gambling and non-gambling areas is an important local licensing consideration, for reasons such as the following:

- to prevent operators from seeking to circumvent the Act by artificially subdividing a premises and securing separate premises licences for its composite parts;
- to ensure that operators do not circumvent regulations governing the maximum number of gaming machines applicable to specific premises;
- to ensure that people who have entered a premises for one type of gambling are not exposed to another, potentially harder, form of gambling;
- to ensure that there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
- to ensure that all gambling premises have publicly accessible entrances; and
- to ensure that gambling premises are not developed in the backrooms of other commercial premises.

### 9.10 Access by children – special dispensation for tracks

The Act forbids all persons under 18 years old to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the betting ring, where betting takes place. This dispensation does not, however, apply to:

- areas within a track where category C or above machines are provided; or
- other premises to which under 18 year olds are specifically not permitted access.

Licensed betting operators at tracks are bound by their operating licence conditions which prevent them from accepting bets from persons who are under 18 years old. The track premises licence holder is also required through premises licence conditions to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling, the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling or betting areas where they are not permitted to enter.

Children and young persons will by law be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided. The Licensing Authority will normally expect Premises Licence applicants to demonstrate suitable measures to ensure the children do not have access to adult only gambling facilities.

Appropriate measures may include:

- Proof of Age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The location of gaming machines
- Self barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

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

## 9.12 **Betting on event and non-event days**

### 9.12.1 **Hours of betting on event days**

Premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days. The licensing authority will not generally expect to re-assess a licence application as a result of a change to the dates of sporting events, but would expect applicants and licence holders to make information about sporting fixtures available as part of the application.

Significant changes to the fixture/events listing have a bearing on the licence conditions in that track premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days.

On days when no public sporting event is taking place on a track, gambling facilities may only be provided on the track between the hours of 7am and 10pm. Where the premises user intends to continue to offer facilities for gambling outside the proposed gambling hours on non-event days these facilities should be provided by virtue of an occasional use notice.

On non-event days, tracks become similar to licensed betting offices on the high street. Tracks may achieve this requirement by:

- locating all betting areas inside an area of the premises that is separated from the remainder of the premises by a physical barrier, thereby preventing access other than through a designated entrance;
- only admitting adults to the part of the track where betting areas are located, by establishing procedures for verifying customer ages and refusing entry to adult-only areas for those unable to produce an acceptable form of identification (and taking action where there are unlawful attempts to enter adult-only areas); and
- placing prominent notices in front of and inside each entrance stating that access to the area is prohibited to persons under 18.

The Licensing authority may consider reducing the default gambling hours, providing any reduction is in line with the principles set out in section 153 of the Act.

#### 9.12.2 **Bet receipt terminals**

Licensed operators may install bet receipt terminals on tracks. There is no restriction on the number of bet receipt terminals that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by those under 18 years of age.

There is no formal requirement on track premises licence holders to involve themselves in the procedures used by betting operators to supervise their bet receipt terminals unless specific local conditions specifying supervisory arrangements are added to the track premises licence by the licensing authority terminals.

#### 9.12.3 **Gaming machines**

A track premises licence does not of itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operating licence.

Where a track owner holds both a track premises licence *and* a pool betting operating licence issued by the Commission (in effect, greyhound tracks only), they may site up to four gaming machines within categories B2 to D on the track.



Some tracks may also hold a premises licence under the Licensing Act 2003. As such they will be automatically entitled under section 282 of the Act to two gaming machines of category C or D.

In such scenarios the operating licence entitlement does not take precedence, and each licence has its own requirements that must be complied with.

Applications for permits to allow additional gaming machines are not permitted where the premises is already covered by a track premises licence.

It is a condition of section 282 of the Act that alcohol-licensed premises licence holders (not necessarily the owners) must comply with any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine. The gaming machine permits code of practice can be found on the Commission's website.

Where track premises licence holders possess a pool betting operating licence, the Commission places a mandatory licence condition on such operators that they must:

- have and put into effect documented policies and procedures to prevent underage gambling; and
- monitor the effectiveness of these.

## **9.13 Track administration**

### **9.13.1 Administration of betting**

Administrative and quasi-regulatory arrangements in place to ensure that activities held on tracks run smoothly for paying customers, track operators and betting operators are considered to be outside the remit of the Act unless they affect the licensing objectives.

### **9.13.2 The role of track premises licence holders**

The responsibilities of track premises licence holders are established by the mandatory and default licence conditions attaching to their premises licence.

The licensed betting operators authorised by track owners to provide betting facilities at tracks must comply with their operating licence conditions and codes of practice issued by the Commission.

Track premises licence holders have a responsibility to report regulatory breaches or potential breaches relating to the premises itself or to betting operators.

### **9.13.3 Acceptance of bets**

Track premises licences for greyhound tracks and racecourses are subject to mandatory licence conditions requiring access to be offered at the track-side to betting operators generally. This prevents track premises licence holders who are also pool betting operators from becoming a monopoly supplier of betting on tracks.

While this does not mean that there must be independent betting operators on tracks on event days, track premises licence holders cannot hold event days without at least making places available to licensed operators. This matter is the responsibility of the Gambling Commission and not the Licensing Authority.

#### 9.13.4 **Pool betting**

Under the Act, holders of track premises licences on licensed greyhound tracks are given exclusivity to offer pool betting facilities on greyhound racing.

They may also authorise other people to conduct such pool betting on their behalf, although in all cases a relevant operating licence will be required to license this activity

A totalisator on a licensed greyhound track will only be permitted while the public are admitted to the track for the purpose of attending greyhound races, and no other sporting events are taking place. A mandatory condition is attached to the premises licence to this effect.

#### 9.13.5 **Admission of betting operators**

It is a mandatory premises licence condition of track premises licences that the licence holder makes arrangements to ensure that the betting operators they admit to their track operate under valid operating licences.

Track premises licence holders are responsible for determining their own arrangements for the verification of betting operators. As part of this process, the track premises licence holder should make arrangements for ensuring that the betting operator holds an operating licence. Additionally, both parties should agree a procedure for assessing that persons accepting bets on behalf of a betting operator either themselves hold operating licences in their own right, or are employed by the operator under a written contract of employment.

#### 9.13.6 **Removal of illegal betting operators**

Track premises licence holders are required by a mandatory licence condition to take reasonable steps to remove from the racecourse anybody found to be providing facilities for gambling without authorisation. Failure to uphold this requirement could result in action being taken against the premises licence holder.

Track premises licence holders are not expected to have proactive policies and procedures for identifying illegal gambling other than the mandatory

requirement to verify that betting operators offering betting facilities on their track hold suitable operating licences.

#### **9.13.7 Display of rules**

It is a mandatory condition of premises licences that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks.

The track premises licence holder should make the necessary arrangements to ensure that betting rules are accessible to all customers, regardless of which area of the track they are in. If certain areas are restricted to certain customers (such as different stands within a football ground) then rules could be displayed at various parts of the track. Other measures could be taken to ensure that they are made available to the public, such as printing them in the race-card or programme. The requirement could also be met by making a copy of the rules available in leaflet form from the main track office, and customers could be given a copy if they request one.

Betting operators offering betting facilities on racecourses and at greyhound tracks are required through the conditions of their operating licence to clearly display any of their own rules that differ from those that the track premises licence holder elects to display, and their rules concerning voids, late bets, and maximum payouts. For racecourses and greyhound tracks, the maximum payout will vary according to the rules of individual on-course operators.

### **9.14 Approved betting areas**

#### **9.14.1 Betting areas**

In considering applications, the licensing authority will take into account the licensing objectives and assess whether these objectives are compromised by proposed betting arrangements. The location of betting areas (other than those for gaming machines and bet receipt terminals) is not considered a threat to the licensing objectives and therefore no additional conditions would normally be imposed by licensing authorities, unless the circumstances are such that the Licensing Authority considers that the licensing objectives would be undermined.

#### **9.15 Multiple licences**

The Act permits a Licensing Authority to issue more than one premises licence for a track provided that each licence relates to a distinct specified area of the track (although there cannot be more than one premises licence covering the same area of the track.)

This enables track owners to extend existing facilities to provide other gambling facilities such as a casino on their existing tracks, whereby these additional gambling activities are covered by separate premises licences.

Where an application is made for an additional premises licence, the Licensing Authority will consider the following matters when determining an application:

- access issues in particular whether access to the desired premises will be allowed directly from the track. Direct access between a track and other betting premises (other than a track betting shop) is not permitted. The track owner would need to make arrangements so that access to a casino or bingo hall would be via a street, not via the track itself.

Where a particular area of a track is already subject to a premises licence, and a person wishes to apply for a licence to offer another type of activity in that area, an application must be made to the licensing authority to vary the original premises licence. The new track premises licence can only be granted at the same time as, or after, the original licence has been varied.

Where the Licensing authority receives an application indicating separate betting areas that may not necessarily have clear physical boundaries, such as walls or fencing, it may grant the licence where it is satisfied that the area is clearly delineated, both in terms of making it clear to the public that they are entering a 'betting office', and to keep out persons aged under 18.

Where the licensing authority is not satisfied that a new activity in an existing area is clearly delineated, it may consider refusing the application.

### **9.15 Social responsibility considerations for tracks**

The Act places a condition on the track premises licence that the licensee shall ensure that children and young persons are excluded from any area where facilities for betting are provided (unless on race days at racetracks and at greyhound tracks).

## **10.0 Adult Gaming Centre's**

10.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures may also be included within mandatory/default conditions, codes of practice and cover matters such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Access and Location of entry;
- Notices / signage;
- Self-barring schemes;
- ATM locations
- Prohibition of alcohol consumption; and
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

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

The Licensing Authority may determine the opening hours for Adult Gaming Centres, on a case-by-case basis, in the absence of any default conditions addressing this matter.

## **11.0 (Licensed) Family Entertainment centre's**

11.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only Category C gaming machine areas.

The Licensing Authority will require applicants to demonstrate that there will be sufficient measures to promote the licensing objectives. Appropriate measures may also be included within mandatory/default conditions, codes of practice and cover issues such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Access and Location of entry;
- Notices / signage;
- Challenging children or young persons attempting to play Category C machines;
- Self-barring schemes;
- ATM location
- Prohibition of alcohol consumption;
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware; and
- Measures / training for staff on how to deal with suspected truant school children on the premises.

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

The Licensing Authority may determine the opening hours for licensed FEC's, on a case-by-case basis, in the absence of any default conditions addressing this matter.

11.2 The Licensing Authority will, in accordance with the Gambling Commission Guidance, make itself aware of any conditions that may apply to Operator licenses covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will ensure that it has due regard to any mandatory or default conditions on these Premises Licenses, Codes of Practice and guidance issued by the Gambling Commission when discharging its functions in relation to licensed Family Entertainment Centres.

## PART C PERMITS/TEMPORARY USE NOTICES AND OCCASIONAL USE NOTICES

### **1.0 Unlicensed Family Entertainment Centre (unlicensed FEC's) gaming machine permits**

- 1.1 Unlicensed Family Entertainment Centres (FEC's) are commonly located at seaside resorts, in airports and at motorway service stations, catering for families - including unaccompanied children and young persons. Where a premises does not hold a Premises Licence but there is an intention to provide gaming machines (category D only), an application may be made to the Licensing Authority for the grant of this permit. The applicant must be an individual aged 18 or over, and he/she must occupy or plan to occupy the relevant premises. The Licensing Authority may only grant a permit where it is satisfied that the applicant intends to use the premises as an unlicensed FEC and where it has consulted the Chief Officer of Police on the application. Any duties on the applicant to comply with other legislation such as fire regulations or Health and Safety are not issues for the Licensing Authority under the Gambling Act 2005.
- 1.2 If the operator of a Family Entertainment Centre intends to make category C machines available, in addition to category D machines, then an application must be made for an Operator Licence from the Gambling Commission and a Premises Licence from the Licensing Authority (see section X Family Entertainment Centre).
- 1.3 Details of up to date application requirements, including any supporting documentation, are made available on the Council's website at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk) or from the Licensing Service direct.
- 1.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 1.5 **Statement of Principles:**

The Licensing Authority will expect the applicant to satisfy it that that they and their employees can demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's. The applicant is expected to demonstrate that he has considered appropriate measures to promote the licensing objectives, and training for staff on issues such as:

- suspected truant school children on the premises;
- how staff would deal with unsupervised very young children being on the premises;
- children causing problems on or around the premises; and
- maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's

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

- 1.6 The Chief Officer of Police is a statutory consultee for all such permit applications, and any representations made by him/her will be considered by the Licensing Authority.
- 1.7 The Licensing Authority may also require the applicant to provide details of any relevant convictions, (those that are set out in Schedule 7 of the Act); the following documents will be accepted:
  - basic Criminal Records Bureau disclosure; or
  - a police subject access search,

## **2.0 Club Gaming Permits**

- 2.1 Members Clubs and Miners' welfare institutes (but not commercial Clubs) may apply for a Club Gaming Permit which authorises the premises to:
  - make available for use up to 3 gaming machines of categories B3A to D,
  - equal chance gaming (without restriction on the stakes and prizes); and
  - games of chance as prescribed by regulations (namely pontoon and chemin de fer.

The gaming which a club gaming permit allows is subject to the following Conditions:

1. In respect of equal chance gaming:
  - The club must not deduct money from sums staked or won;
  - The participation fee must not exceed the amount prescribed in regulations;
  - The game takes place on the premises and must not be linked with a game on another set of premises. Two games are linked if the result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
  - The amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game, and a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
  - Only club members and their genuine guests participate.
2. In respect of other games of chance:
  - the game must be pontoon and chemin de fer only.
  - No participation fee may be charged otherwise than in accordance with the regulations.
  - No amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

- 2.2 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its

members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

A club gaming permit may not be granted in respect of a vehicle or a vessel.

2.3 The Licensing Authority may only refuse an application on the grounds that:

1. the applicant does not fulfil the requirements for a members' club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
2. the applicant's premises are used wholly or mainly by children and/or young persons;
3. an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
4. a permit held by the applicant has been cancelled in the previous ten years; or
5. an objection has been lodged by the Gambling Commission or the Suffolk Constabulary.

Where the Licensing Authority is satisfied that point 1 or point 2 above is the case, it must refuse the application. In determining an application the Licensing Authority shall have regard to the relevant guidance issued by the Gambling Commission and, subject to that guidance, the licensing objectives.

Where a permit is granted, the permit holder must comply with statutory conditions:

- no child or young person may use a category B or C machine on the premises; and
- the permit holder must comply with any relevant provision of a code of practice regarding the location and operation of gaming machines.

Clubs do not have to have a permanent premises or alcohol licence.

There is a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003. Where an application is made under the fast track procedure, there is no opportunity for objections to be made by the Commission or the Suffolk Constabulary, and the grounds upon which an Authority can refuse a permit are limited as below:

1. the club is established primarily for gaming, other than gaming of a prescribed kind
2. in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
3. a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

2.4 There are statutory conditions concerning Club Gaming Permits.

### **3.0 Club Machine Permits**



- 3.1 Members Clubs and Miners' welfare institutes and commercial Clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B4, C and D. Members clubs and Miner's welfare institutes only may also make available for use category B3A machines offering lottery games in the club under a club machine permit.
- 3.2 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".
- 3.3 Commercial clubs must have at least 25 members, but may be established with a view to making a profit, which is not returned to the members, but the proprietor(s) of the club. Examples of commercial clubs include snooker clubs, clubs established for personal profit and most clubs established as private companies.
- 3.4 The Gambling Commission Guidance advises that Licensing Authorities may only refuse an application on the grounds that:
- 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;
  - the applicant's premises are used wholly or mainly by children and/or young persons;
  - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - a permit held by the applicant has been cancelled in the previous ten years; or
  - an objection has been lodged by the Gambling Commission or the Police

It should be noted that either type of permit may not be issued in respect of a vessel or vehicle.

- 3.5 There is also a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003. As the Gambling Commission Guidance states: "Under the fast-track procedure there is no opportunity for an objection to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are that:
- the club is established primarily for gaming, other than gaming of a prescribed kind;
  - in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - a club machine permit issued to the applicant in the last ten years has been cancelled.

3.6 There are statutory conditions concerning Club Machine Permits that no child or young person may use a category B or C machine on the premises and that the permit holder complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

#### **4.0 (Alcohol) Licensed Premises Gaming Machine Permits**

4.1 The Act makes provision for premises licensed to sell alcohol for general consumption on the premises to be entitled to make available up to 2 gaming machines, of categories C and/or D. The Licensing Act 2003 premises licence holder needs only to notify the Licensing Authority of this intention and pay the prescribed fee. The Licensing Authority may remove the automatic authorisation in respect of any particular premises only if it is satisfied that:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of 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);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Before making any such order the Licensing Authority shall give the licensee at least 21 days prior notice and consider any representations made by the applicant (at a hearing if requested by the Licence holder).

4.2 If a Licensing Act 2003 premises licence holder wishes to use more than 2 gaming machines, then (s) he will need to apply to the Licensing Authority for a permit and the Licensing Authority must consider that application based upon:

- the licensing objectives;
- any guidance issued by the Gambling Commission; and
- "such matters" as they think relevant.

This Licensing Authority considers that "such matters" will be assessed on a case-by-case basis. Generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

This permit replaces, and is not in addition, to the automatic entitlement notification.

4.3 The Licensing Authority expect the applicant to satisfy the Authority that there will be sufficient measures in place to ensure that persons under the age of 18 year olds do not have access to the adult only category C gaming machines. The applicant may consider appropriate measures to comply with the Gambling Commission's Code of Practice and monitor access to machines. This may include:

- ensuring that the adult gaming machines are within sight of the bar, or within the sight of staff who can monitor that the machines are not being used by persons under the age of 18;

- notices and signage may also be an appropriate measure/safeguard; and
- or the provision of information leaflets / helpline numbers for organisations that give support to vulnerable persons such as GamCare and Gamble Aware.

4.4 The holder of a permit must comply with any code of practice issued under section 24 of the Act by the Gambling Commission about the location and operation of the gaming machines.

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

There is a similar mechanism for applying to vary the number and category of machines specified on an existing permit.

## **5.0 Prize Gaming and Prize Gaming Permits**

### **5.1 Statement of principles:**

The prize gaming conditions in the Act are:

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

It should be also noted that this permit cannot be issued in respect of a vessel or vehicle.

An application may only be made by an individual over the age of 18, who occupies or plans to occupy the relevant premises. An application for a permit can not be made if a premises licence or club gaming permit is already in effect for the same premises.

The Licensing Authority will expect the applicant to satisfy the Authority that that they and their employees can demonstrate a full understanding of the maximum stakes and prizes for the gaming offered and that the type of gaming offered is within the law. The applicant will normally be required to set out the types of gaming that he/she is intending to offer, and may wish to consider

appropriate measures to promote the licensing objectives, and training for staff on:

- the type of gaming which they intend to provide; and
- the stakes and prizes which apply under the regulations relevant to the type of gaming they intend to offer.

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

- 5.3 In making its decision on an application for this permit the Licensing Authority may have regard to the licensing objectives and must have regard to any Gambling Commission Guidance. Given that the premises may be particularly appealing to children and young persons, the Licensing Authority will give appropriate weight to the consideration of child protection issues.
- 5.4 The Chief Officer of Police is a statutory consultee for all such permit applications. Any representations made by the Chief Officer of Police which are relevant to the licensing objectives will be considered by the Licensing Authority relevant considerations may include:
- whether the applicant has any convictions that would render them unsuitable to operate prize gaming, or
  - the suitability of the location of the premises in relation to any disorder issues.

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

- 5.5 It should be noted that whilst there may be conditions in the Gambling Act 2005 and Gambling Commission codes of practice (including on social responsibility) with which the permit holder must comply, the Licensing Authority cannot attach conditions to this permit. Where the Authority is minded to refuse a permit application it will notify the applicant and allow the opportunity for the applicant to make representations (which may be considered at a hearing).

## **6. Travelling fairs**

- 6.1 It is the duty of the licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit are made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 6.2 The licensing authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the act) and be 'wholly or principally' providing amusements.
- 6.3 The 27 day statutory maximum for the land being used as a fair is per calendar year, and this applies to the piece of land on which the fairs are held regardless of whether it is the same or different travelling fairs occupying the land. The licensing authority shall endeavour to work with neighbouring authorities to

ensure that land which crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

## **7.0 Society Lotteries**

7.1 The Council as the local authority is responsible for registering small society lotteries. A lottery is defined under the Act and in the guidance as:

A simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance

A complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance

A society, or any separate branch of such a society, may be registered by the council to promote a small lottery where it is established and conducted:

- for charitable purposes
- for the purpose of enabling participation in , or of supporting, sport, athletics or a cultural activity;
- for any other non commercial purpose other than private gain and the proceeds of the lottery must be devoted to the purposes above. The society must not be established for the sole purpose of facilitating lotteries.

A small lottery is defined in the Act and the current limits are published on the Council website at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk). Definitions of exempt lotteries are also published at the above address.

The Council may only register a society which wishes to promote a small lottery where the society's principal office is located within its area. If the Council believes that the society's principal office does not fall within its boundaries it will inform the society and relevant authority at the earliest opportunity.

The Council will expect the society applying to supply a copy of its terms conditions or constitution to enable the council to establish that the society is non-commercial, together with a declaration to the effect that it is non-commercial.

Registration of small society lotteries is a function which the Council has delegated to officers.

Details of societies registered by the council will be published in a register maintained by the Council.

The registration is for an indefinite period unless the registration is cancelled by:

- the society; or
- the council on failure of the society to pay the annual charge.

The council may refuse to register a small society lottery where:

- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused;
- the society can not be deemed non-commercial
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
- information provided in or with the application for registration is found to be false or misleading.

Where the Council proposes to refuse to register a small society lottery it will give the society an opportunity to make representations in writing or at a hearing. The Council will notify the society in writing of the outcome of the hearing and the reasons for the decision.

The Council may revoke a society lottery registration where it considers that it would have had to, or would be entitled to refuse an application if it were to be made at that time.

## SCHEDULE A

### **GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES:** **CONSULTEE LIST** **(NB: Not Exhaustive)**

ADFAM Families Drugs & Alcohol	Independent Betting Arbitration Service
Adult and Community Services (SCC)	JBR Leisure Ltd
Age Concern Suffolk	Jockey Club
Alcoholics Anonymous	Joe Jennings Ltd
Association of British Bookmakers	Ladbrokes PLC
Association of British Bookmakers	Learning Disability Partnership Board
BACTA	Leisure Link
Beer & Pub Association	Narcotics Anonymous
Bingo Association	National Greyhound Racing Club Ltd
British Casino Association	National Stud
British Casino Association	National Youth Agency
British Greyhound Racing Board	Newmarket Community Partnership
British Horseracing Board	Newmarket Racecourses Trust
Chilvers Automatics Ltd	Planning Authority (FHDC)
Citizens Advice Bureau	Racing Welfare
Citizens Advice Bureau	Responsibility in Gambling Trust
Community Development Youth Worker	Royal British Legion
Corals	Society for the Study of Gambling
Done Brothers Ltd	Suffolk Constabulary
East of England Faiths Council	Suffolk County Council
Environmental Services (FHDC)	Suffolk Local Safeguarding Children's Board
Essex Leisure	Tesco PLC
Gamblers Anonymous	The Racecourse Association Ltd
Gambling Commission	Town and Parish Councils within the District
GamCare	West Suffolk Crossroads
Gamestec Leisure Ltd	
Gordon House Association	
Heads of Service (West Suffolk)	
Help the Aged	
Horserace Totalisator Board	
Horseracing Betting Levy Board	

## SCHEDULE B

**Section 353 of the Gambling Act 2005 gives some general interpretation and reference for some of the main terminology used within the Act and contained within this Statement of Principles document. Except where the context otherwise requires:**

"means an individual who is not a child or young person,  
"adult gaming centre" has the meaning given by section 237,  
"alcohol licence" has the meaning given by section 277,  
"authorised local authority officer" has the meaning given by section 304,  
"authorised person" has the meaning given by that section,  
"betting" has the meaning given by sections 9 to 11, 37 and 150,  
"betting intermediary" has the meaning given by section 13,  
"bingo" means any version of that game, irrespective of by what name it is described,  
"casino" has the meaning given by section 7,  
"casino game" has the meaning given by that section,  
"Category A gaming machine" (or B, C or D) means a gaming machine falling within category A (or B, C or D) as prescribed under section 236,  
"chief constables of police forces" has the same meaning in relation to England and Wales as in the Police Act 1996 (c. 16),  
"child" has the meaning given by section 45,  
"club gaming permit" has the meaning given by section 271,  
"club machine permit" has the meaning given by section 273,  
"commercial club" has the meaning given by section 267,  
"the Commission" means the Gambling Commission,  
"director"-  
    (a) has the meaning given by section 741 of the Companies Act 1985 (c. 6), and  
    (b) includes a shadow director within the meaning of that section,  
"dog track" means premises which are designed, used or adapted for use for dog-racing,  
"draw", in relation to a lottery, has the meaning given by section 255,  
"EEA State" means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as it has effect from time to time),  
"enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament,  
"enforcement officer" means a person designated or appointed as an enforcement officer under section 303,  
"equal chance gaming" has the meaning given by section 8,  
"exempt lottery" has the meaning given by section 258,  
"external lottery manager" has the meaning given by section 257,  
"fair" has the meaning given by section 286,  
"family entertainment centre" has the meaning given by section 238,  
"family entertainment centre gaming machine permit" has the meaning given by section 247,  
"football pools" means an arrangement whereby-  
    (a) people compete for prizes by forecasting the results of association football games, and



(b) each entry to the competition must forecast the results of at least four games,

"gambling" has the meaning given by section 3,  
"gambling software" has the meaning given by section 41,  
"game of chance" has the meaning given by section 6,  
"gaming" has the meaning given by that section,  
"gaming machine" has the meaning given by section 235,  
"horse-race course" means premises which are designed, used or adapted for use for horse-racing,  
"horse-race pool betting" has the meaning given by section 12,  
"large casino" has the meaning given by regulations under section 7(5),  
"licensed family entertainment centre" has the meaning given by section 238,  
"licensed premises gaming machine permit" has the meaning given by section 283,  
"the licensing objectives" has the meaning given by section 1,  
"licensing authority" has the meaning given by section 2,  
"lottery" has the meaning given by section 14 (and section 256),  
"lottery manager's operating licence" has the meaning given by section 98,  
"lottery ticket" has the meaning given by section 253,  
"machine" has the meaning given by section 235(3)(a),  
"members' club" has the meaning given by section 266,  
"miners' welfare institute" has the meaning given by section 268,  
"the National Lottery" has the meaning given by section 1 of the National Lottery etc. Act 1993 (c. 39),  
"non-commercial betting" has the meaning given by section 302,  
"non-commercial gaming" has the meaning given by section 297,  
"non-commercial society" has the meaning given by section 19,  
"occasional use notice" means a notice given under section 39,  
"operating licence" means a licence issued under Part 5,  
"on-premises alcohol licence" has the meaning given by section 277,  
"participant", in relation to a game of chance, includes a person who discharges an administrative or other function in relation to the game,  
"participation fee" has the meaning given by section 344,  
"passenger vessel" means a vessel which is carrying or expected to carry at least one passenger,  
"personal licence" means a licence issued under Part 6,  
"pool betting" has the meaning given by section 12,  
"premises" includes any place and, in particular-  
    (a) a vessel, and  
    (b) a vehicle,  
"premises licence" means a licence issued under Part 8,  
"private betting" has the meaning given by section 295 and Part 2 of Schedule 15,  
"private gaming" has the meaning given by section 295 and Part 1 of Schedule 15,  
"private gain" is to be construed in accordance with section 19(3),  
"prize" in relation to gaming (except in the context of a gaming machine) has the meaning given by section 6,  
"prize" in relation to a gaming machine has the meaning given by section 239,  
"prize" in relation to a lottery has the meaning given by section 14,  
"prize gaming" has the meaning given by section 288,  
"prize gaming permit" has the meaning given by section 289,  
"proceeds", in relation to a lottery, has the meaning given by section 254,  
"profits", in relation to a lottery, has the meaning given by that section,

"profits", in relation to non-commercial prize gaming, has the meaning given by section 299,

"racecourse" means premises on any part of which a race takes place or is intended to take place,

"real", in relation to a game, event or process means non-virtual,

"relevant offence" has the meaning given by section 126 and Schedule 7,

"remote communication" has the meaning given by section 4,

"remote gambling" has the meaning given by that section,

"remote gambling equipment" has the meaning given by section 36,

"remote operating licence" has the meaning given by section 67,

"rollover", in relation to a lottery, has the meaning given by section 256,

"small casino" has the meaning given by regulations under section 7(5),

"society" includes a branch or section of a society,

"stake" means an amount paid or risked in connection with gambling and which either-

- (a) is used in calculating the amount of the winnings or the value of the prize that the person making the stake receives if successful, or
- (b) is used in calculating the total amount of winnings or value of prizes in respect of the gambling in which the person making the stake participates,

"supply" includes-

- (a) sale,
- (b) lease, and
- (c) placing on premises with permission or in accordance with a contract or other arrangement,

"temporary use notice" has the meaning given by section 215,

"track" means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place,

"travelling fair" has the meaning given by section 286,

"vehicle" includes-

- (a) a train,
- (b) an aircraft,
- (c) a seaplane, and
- (d) an amphibious vehicle (other than a hovercraft within the meaning of the Hovercraft Act 1968 (c. 59)),

"vessel" includes-

- (a) anything, other than a seaplane or an amphibious vehicle, designed or adapted for navigation or other use in, on or over water,
- (b) a hovercraft (within the meaning of the Hovercraft Act 1968), and,
- (c) anything, or any part of any place, situated in or on water,

"virtual" has the meaning given by subsection (3) below,

"winnings", in relation to a bet, means anything won, whether in money or in money's worth, and "young person" has the meaning given by section 45.

## **SCHEDULE C**

Summary of machine provisions by premises  
Summary of gaming machine categories and entitlements  
Summary of gaming entitlements for clubs and alcohol licensed premises  
Summary of offences under the Gambling Act 2005  
Summary of Statutory application forms and notices

For all of the above please follow the link to: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

DRAFT

## **SCHEDULE D**

### **Authorised Gambling Activities**

Children and Young Persons – A child is any person who is less than 16.

- Category D Machines
- Equal Chance gaming at a licensed family entertainment centre
- Equal chance gaming under prize gaming permit
- Football pool

Young Persons – A young person is an individual of 16 or 17

- Category D Machines
- Equal Chance gaming at a licensed family entertainment centre
- Equal chance gaming under prize gaming permit
- Prize gaming at a travelling fair
- Prize Gaming at a non-licensed family entertainment centre
- Private/non commercial gaming/betting
- Lottery