

# **DRAFT Policy**

## **Statement of Licensing Policy (Gambling)**

The Gambling Act 2005

For the period 2023-2025



# STATEMENT OF POLICY 2023-2026

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This Statement of Policy was approved by Crawley Borough Council on the \*\*\*\*.

Please note that all references within this Statement to 'Guidance', refers to the Gambling Commission's Guidance to Licensing Authorities, published 1<sup>st</sup> April 2021 and last updated 13<sup>th</sup> May 2021. This was the current version of the Guidance at the time when this Statement was prepared and published.

## **PART A**

### **1. THE LICENSING OBJECTIVES - SUMMARY**

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

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

1.2 This Licensing Authority (the 'Authority') is aware that, as required by Section 153 of the Act, in making decisions about Premises Licences, Temporary Use Notices and some Permits that it should aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant Code of Practice issued by the Gambling Commission (the 'Commission') under Section 24 of the Act.
- In accordance with any relevant Guidance issued by the Commission under Section 25 of the Act.
- Reasonably consistent with the licensing objectives; and
- In accordance with the Statement published by the Authority under Section 349 of the Act i.e., this Statement of Policy (the 'Statement').

### **2. INTRODUCTION**

2.1 Crawley Borough Council as Licensing Authority (LA) for the Borough of Crawley in accordance with Section 349 of the Act is required to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act. The form of the Statement is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities contains further information on the form of the Council's Policy document.

2.2 The Council's Policy Statement must be reviewed and be published at least every three years. Any proposed amendments must be consulted upon as considered necessary.

2.3 The Council is responsible for granting premises licenses, notices, permits, registrations, and notifications within the Borough in respect of:

- casino premises

- bingo premises
- betting premises, including tracks and adult gaming centres
- family entertainment centres (licensed and unlicensed)
- club gaming permits.
- club machine permits.
- alcohol licensed premises gaming machine permits / notices
- prize gaming permits.
- occasional use notices.
- temporary use notices; and
- registrations of small society lotteries

2.4 The Council is aware that when exercising its functions in relation to premises licensing, it should aim to permit the use of premises for gambling, in so far as it thinks it is:

- In accordance with any relevant Code of Practice issued by the Gambling Commission (the “codes of practice”)
- In accordance with any relevant Regulations and Guidance
- Reasonably consistent with the Licensing Objectives and
- In accordance with this Policy Statement.

2.5 “Gambling” is defined in the Act as either gaming, betting, or taking part in a lottery:

- Gaming means a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event: the likelihood of something occurring or not occurring or whether something is true or not.
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated wholly or partly on chance.

2.6 The Gambling Commission is responsible for issuing personal licences to individuals and operators. This aspect falls outside of the remit of the council as the Licensing Authority and as such, does not form a significant part of this Statement of Gambling Policy.

2.7 Crawley Borough Council is situated in the County of West Sussex, which contains seven District councils and one County council in total. The Council area has a population of approximately 118,500 (2021 census) making it the second largest in the County in terms of population. In terms of area, it is the second smallest, covering 17.36 square miles, and comprises of 14 neighbourhoods. A map of the Crawley Borough is contained at Appendix A.

2.8 In order to fully appreciate the need to ensure proper and effective operation and regulation of gambling activities, it is crucial to fully understand the definition of ‘harmful gambling’. Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family, or recreational pursuits. It is not just the gamblers themselves who experience these harms;

individuals, families and communities are all affected.

- 2.9 Research published by Citizens Advice suggests that, for every problem gambler, there are on average between six to ten additional people who are also directly affected. Harmful gambling can cause a wide variety of health and social issues, such as alcohol and drug misuse, financial difficulties, mental health issues, loss of employment, domestic abuse, and family breakdown. This Licensing Authority therefore expects those responsible for or involved in providing gambling activities to be suitably trained in respect of safer gambling. This includes matters such as suicide prevention, problem gambling awareness and signposting to appropriate support services.
- 2.10 Authorities are required under the Act to publish a 'Statement of Principles' which they propose to apply when exercising their functions. This Statement must be published at least every three years, although can be reviewed and revised at any time following consultation with those bodies and persons set out in Section 349(3) of the Act.
- 2.11 This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:
- premises licenses (Casinos, Bingo Premises, Betting Premises)
  - temporary use notices;
  - occasional use notices;
  - permits as required under the Act; and
  - registrations as required under the Act.
- 2.12 Crawley Borough Council consulted widely upon this Statement before it was finalised and published, and includes:
- Crawley Community Safety Partnership
  - Public Health Body
  - Persons and businesses likely to be affected by authorised gambling within the Borough
- 2.13 Section 349 of the Act requires that the following parties are specifically consulted:
- 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; and
  - 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 Act.
- 2.14 The consultation took place between 12 noon Monday 21<sup>st</sup> August 2022 - 12 noon on Monday, October 17<sup>th</sup> 2022. A list of those persons who were consulted is provided at **Appendix D**.

- 2.15 The full list of comments made and the consideration by the Authority of those comments is available by request to the Team Leader, Health Safety and Licensing [licensing@ Crawley.gov.uk](mailto:licensing@ Crawley.gov.uk)
- 2.16 The Statement was approved at a meeting of Full Council on \*\*\*\* and was published via our website on \*\*\*\*. The Statement has effect from XXXXXxXX.
- 2.17 It should be noted that this Statement will not Nothing in this 'Statement of Policy' will:
- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits;
- or
- Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.
- 2.18 The Council will look to grant applications without conditions unless it is considered conditions are needed to meet the requirements of the Licensing Objectives and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the 'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 2.19 All applicants for premises licences will be required to set out how they will promote the Licensing Objectives, and what measures they intend to employ to ensure compliance with these Objectives.
- 2.20 When determining an application to grant, vary a premises licence or whether to review a premises licence, regard will be given to matters including the proximity of the premises to schools, vulnerable adult centres, or hostels, or to residential areas with a high concentration of families with children.
- 2.21 Regard will also be given and consideration upon the size and scope of the gambling premises concerned. Each case will be determined on its merits.
- 2.22 Therefore, if an applicant can effectively demonstrate how they might overcome Licensing Objective concerns, this will be taken into account.
- 2.23 Licensing is about the control and regulation of licensed premises, where Temporary Use Notices or Occasional Use Notices are in place and are operated within the terms of the Act. Conditions may be attached to licences as considered appropriate.

- 2.24 When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may, by regulation, provide for specific conditions to be attached to a Premises Licence as either “mandatory” or “default” conditions. In determining an application, the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.
- 2.25 In this respect, the Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:
- planning controls;
  - ongoing measures to create a safe and clean environment in these areas in partnership
  - with local businesses, transport operators and other council departments;
  - regular liaison with the police on law enforcement issues regarding disorder and anti-social behaviour;
  - the power of the police, other responsible authorities or a local resident or business to seek a review of the licence.
- 2.26 Those making representations will be required to relate their objection to one or more of the Licensing Objectives before the Licensing Authority will be able to consider it. Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premises under consideration, puts themselves forward as representing the interests of residents in the vicinity, the Licensing Authority will normally ask them to provide written evidence that they are acting as representatives of others.
- 2.27 The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

### **3. DECLARATION**

- 3.1 In producing the final Statement, this Council declares that it has had regard to the Gambling Act 2005, the Licensing Objectives, Regulations, and the Guidance issued to Licensing Authorities by the Commission, and any responses from those consulted on the draft Statement.

### **4. LOCAL RISK ASSESSMENTS**

- 4.1 The Gambling Commission’s Licence Conditions and Codes of Practice requires those who hold an Operating Licence granted by the Gambling Commission to assess the local risk 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.

- 4.2 Whilst there is no statutory requirement to share local risk assessments with responsible authorities or interested parties, this Authority is aware that ordinary code provision 10.1.2 issued by the Commission to all operators to whom they have granted an Operator's Licence states that:

*'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.'*

- 4.3 In addition to the above, this Council expects that a copy of the current risk assessment will always be kept and made available upon request at each premises. This approach saves considerable time and expense for all parties as well as increases the confidence of responsible authorities as to the operator's awareness of their obligations.

## **5. LOCAL AREA PROFILE & POLICIES**

- 5.1 A Council may find it useful to complete their own assessment of the local environment as a means of 'mapping out' the key characteristics of the local area. Such an assessment is referred to as a 'Local Area Profile'. There is however no statutory requirement on a Council to undertake such an assessment.

- 5.2 This Council has previously carefully considered whether it is necessary to undertake an assessment of the Crawley Borough. At the current time, the Council is not proposing to undertake an assessment for the following reasons:

- Since the Act came into effect, only a very small number of complaints/concerns regarding gambling matters have ever been received by the Authority. None of the subsequent investigations have necessitated the Authority to instigate formal action;
- No issues or concerns have ever been brought to the attention of this Authority by organisations (e.g., Citizens Advice) who represent children or other individuals who may be harmed or exploited by gambling; and
- Due to market forces, the number of premises benefitting from Premises Licences has remained fairly consistent without concerns being raised that a particular area becoming saturated by licensed premises. However, in respect of the Town Centre, this is being carefully monitored.

- 5.3 Naturally the matter of completing a Local Area Profile will be kept under review and a suitable assessment will be undertaken if it is determined as necessary. If the Authority undertakes an assessment, it will:

- Take into account a wide range of factors, data and information held by both the authority itself and other partners; and

- Proactively engage with responsible authorities as well as other organisations in the area that can give 'input' to map local risks in their area. This would include public health, mental health, housing, education, community welfare groups and safety partnerships along with organisations such as Gamcare or equivalent local organisations.

5.4 In addition, the Council will consider applications with reference to other adopted local policies, including the following:

- The Council's Corporate Strategy and Plan;
- Community Safety Strategy and Plan;
- The Sustainable Community Strategy;
- General Enforcement Policy within Public Protection and Community Services;
- Business Improvement Districts (BID);
- Licensing Policy Statement (Licensing Act 2003.)

## 6. RESPONSIBLE AUTHORITIES

6.1 The 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 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 Authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

6.2 Crawley Borough Council, as the Licensing Authority, designates the Children's Safeguarding Unit as the competent authority to provide advice on the protection of children from harm.

6.3 The Children's Safeguarding Unit (formerly the Child Protection Agency) is the West Sussex County Council Social Services' child protection unit and operates throughout the county of West Sussex, covering the Borough of Crawley and has the specialist knowledge and expertise to fulfil this role. The Council formally designates the West Sussex Safeguarding Children Partnership as the body competent to advise it about the protection of children from harm.

6.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at **INSERT LINK** and are also shown at **Appendix C**.

## 7. INTERESTED PARTIES

7.1 Interested Parties can make representations about licence applications or

apply for a review of an existing licence. These parties are defined in Section 158 of the Act as follows:

*“For the purposes of this Part a person is an Interested Party in relation to a Premises Licence or in relation to an application for or in respect of a Premises Licence if, in the opinion of the Licensing Authority which issues the Licence or to which the application is made, the person -*

- (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- (b) Has business interests that might be affected by the authorised activities, or*
- (c) Represents persons who satisfy paragraph (a) or (b).”*

- 7.2 The Council is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an Interested Party. The principles are that each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Guidance at Paragraphs 8.12 to 8.17 inclusive. It will also consider Paragraph 6.21 of the Guidance that *“have business interests”* should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 7.3 For the purposes of Section 158(c) of the Act, “interested parties” includes persons who are democratically elected such as Councillors and MPs, as representing individuals who meet the criteria defined in Section 158(a) or Section 158(b) of the Act. Other representatives include bodies such as trade associations, along with residents’ and tenants’ associations. A school head or governor might also act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to a proposed premises.
- 7.4 Where an individual claims to represent a body or an individual, written confirmation of this will be required to demonstrate who and what is being represented, This Council will generally require written evidence that a person/body (e.g. an advocate/relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities.
- 7.5 The Council will normally only consider representations where they relate to the Act and Licensing Objectives, the Codes of Practice, or the Statement of Principles. Any representations which are considered to be inadmissible, irrelevant, frivolous, or vexatious will not influence the council’s determination of matters.
- 7.6 Anyone making a representation should note that their details will be made available to the applicant. This is to allow for negotiation and in the interests of

fairness. In the event of a hearing, representations and associated details will be included as part of a public document.

## **8. EXCHANGE OF INFORMATION**

- 8.1 Authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 8.2 In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the council will conform to the requirements of the Gambling Act, data protection and freedom of information legislation in accordance with the Council's existing policies.
- 8.3 Contact details of those persons making representations and details of the representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representation or applying for a review of a premises licence should be aware these details will be disclosed.
- 8.4 The Council will act in accordance with the provisions of the Act in its exchange of information which includes the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. The Licensing Authority will have regard to any relevant Codes of Conduct, Guidance and Regulations issued by the Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 8.5 Administered by the Office for Product Safety and Standards, the 'Primary Authority' scheme provides for a statutory partnership to be formed between a business and a single authority, e.g., a local authority. That single authority, the Primary Authority, can provide a national inspection strategy within which other local regulators can operate, to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The Primary Authority scheme therefore aims to ensure that local regulation is consistent at a national level.
- 8.6 Since October 2013, the Primary Authority scheme was extended to include age-restricted sales of gambling, although does not apply to any other aspect of the Act. This means local authorities in England and Wales must follow any age restricted sales of gambling national inspection plans and strategies that are published on the Primary Authority register when considering proactive age restricted sales (gambling) activity including testing. Primary Authority

plans do not prohibit authorities undertaking reactive test purchasing.

- 8.7 This Authority recognises the value and importance of the Primary Authority scheme and as is required, will engage with Primary Authorities where and when necessary.

## **9. ENFORCEMENT**

- 9.1 Councils are required by regulations under the Act 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. Regard will also be had in relation to any Guidance issued under the Act.

- 9.2 The Council is a signatory to the Regulators' Code and will follow the principles set out in it as follows:
- Proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - Consistent: rules and standards must be joined up and implemented fairly;
  - Transparent: regulators should be open and keep regulations simple and user friendly.

- 9.3 The Regulators' Code proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence such as failing to maintain certain records may be dealt with purely by way of a written warning. More serious offences or repeated offences that have been committed over a period of time may result in referral to a licensing sub-committee, the issue of a Formal Caution or a referral for prosecution.

- 9.4 Premises may be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed by the premises i.e., those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk

- 9.5 When determining risk, consideration will be given to:

1. the nature of the gambling activities carried out on the premises;
2. the location of the premises in relation to schools etc;
3. the procedures put in place by the management to meet the Licensing Objectives.

- 9.6 Additional random monitoring visits may be made, at the discretion of the Councils Licensing Team, where it is considered necessary to meet the needs

of the Licensing Objectives or following receipt of complaint. The Borough will also be monitored for unlicensed premises.

- 9.7 The Council will seek to work actively with the Gambling Commission and Police in enforcing the Act and associated legislation. It encourages the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998.
- 9.8 When considering enforcement action, the Council will consider each case on its own facts and merits and in accordance with its enforcement policy.
- 9.9 As the Guidance requires, this Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 9.10 This Council has adopted and implemented a risk-based inspection programme, based on;
- The Licensing Objectives;
  - Relevant Codes of Practice;
  - Guidance issued by the Commission, in particular at Part 36; and
  - The principles set out in this Policy Statement.
- 9.11 The main enforcement and compliance role for this Authority in terms of the Act is to ensure compliance with the requirements of the Premises Licences and other permissions which it authorises. The Commission is the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Authority but should be notified to the Commission.
- 9.12 This Authority also keeps itself informed of developments as regards the work of the Office for Product Safety and Standards in its consideration of the regulatory functions of Local Authorities.

## **10. THE COUNCIL AS LICENSING AUTHORITY FUNCTIONS & DECISION MAKING**

- 10.1 The Council will be involved in a wide range of licensing decisions and functions. Councils are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
  - Issue Provisional Statements;
  - Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
  - Issue Club Machine Permits to Commercial Clubs;
  - Grant permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres;

- Receive notifications from any person(s) or entity that holds an appropriate Premises Licence granted under the Licensing Act 2003, in order that a maximum of two gaming machines may be made available. The Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that alcohol is served only with food;
- Issue Licensed Premises Gaming Machine Permits to any person(s) or entity that holds an appropriate Premises Licence granted under the Licensing Act 2003 in order that three or more gaming machines may be made available. Again, the Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that alcohol is served only with food;
- Register Non-Commercial Societies in order that they can operate Small Society Lotteries within prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Commission regarding details of Licences issued (see Section above on 'Information Exchange'); and
- Maintain registers of the Permits and Licences that are issued under these functions.
- Enforce legislation in relation to its functions.

10.3 It should be noted that Councils are not involved in licensing remote gambling at all, as this is regulated by the Commission via Operating Licences

10.4 An application for a premises licence under the Act can only be made by a person who either holds an operating licence which authorises the activity in respect of which a premises licence is sought OR has made an application for an operating licence which has not been determined.

10.5 Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives in the form of a written Operating Schedule.

10.6 Appreciating the need to provide a speedy, efficient, and cost-effective service to all parties involved in the licensing process, the Licensing Committee (Gambling Act Matters) has delegated certain decisions and functions to both Sub Committees of trained Councillors and has also delegated certain matters to Officers.

10.7 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, have been

delegated to Council Officers. The Council's Licensing Team will deal with all other licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary. The Table shown at Appendix B sets out the agreed delegation of decisions and functions to Licensing Committee, sub-committees, and Officers.

- 10.8 Decisions as to whether representations are irrelevant, frivolous, or vexatious will be made by the Council's Team Leader for Health, Safety and Licensing. This Officer will make the decisions on whether representations, other decisions under the Act, or applications for licence reviews should be referred to a licensing sub-committee established to determine matters under the Act or to the Licensing Committee charged with determining matters under the Act.
- 10.9 Where representations are rejected, the person making that representation will be given written reasons as to why that is the case.
- 10.10 This form of delegation is without prejudice to officers referring an application to a sub-committee, or to the Licensing Committee, or to Full Council, if considered appropriate in the circumstances of any particular case.
- 10.11 A hearing may be required to attach or exclude conditions to a licence unless the applicant waives their right to a hearing.
- 10.12 When determining an application, the council cannot take into account:
- a. the likelihood of an applicant obtaining planning permission or building regulations;
  - b. the expected demand for facilities;
  - c. irrelevant matters which are not related to gambling or the licensing objectives;
  - d. moral objections or nuisance.
- 10.11 A Licensing Sub-Committee comprised of three councillors of the Licensing Committee who will sit to determine applications where representations have been received from Interested Parties and Responsible Authorities. Ward councillors will not sit on a sub-committee involving an application within their ward.
- 10.12 The Licensing Committee will also sit to determine general licensing matters that have been delegated.



- 10.13 Where a councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.
- 10.14 The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it under the Act.
- 10.15 The Licensing Committee will refer to the Full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.
- 10.16 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied with clear reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the council's website as soon as possible after the decision has been confirmed, where it will form part of the Licensing Register required to be kept by the Council.
- 10.17 The Council will not be involved in the licensing of remote gambling as this falls under operating licence, regulated by the Gambling Commission as are personal licences for individuals. Spread betting is regulated by the Financial Services Authority, The National Lottery is regulated by the National Lottery Commission.

## **PART B**

### **PREMISES LICENCES - CONSIDERATION OF APPLICATIONS**

#### **11. General Principles**

11.1 Premises Licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Councils are able to exclude default conditions and also attach others, where it is believed to be appropriate and necessary to do so.

##### **(i) Decision-making**

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

- In accordance with any relevant Code of Practice issued by the Commission;
- In accordance with any relevant Guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement.

11.3 The Authority recognises that Paragraph 5.34 of the Guidance states that *"moral or ethical objections to gambling are not a valid reason to reject applications for Premises Licences (with the exception of the casino resolution powers)."* - see Section 13 on Casinos – and that Paragraph 5.22 further states that "s.153 makes it clear that in deciding whether or not to grant a licence, a Licensing Authority must not have regard to the expected demand for gambling premises that are the subject of the application."

##### **(ii) Definition of "premises"**

11.4 In Section 353(1) of the Act, *"premises"* is defined as including *"any place and in particular – (a) a vessel, and (b) a vehicle"*. Section 152 of the Act states that a Premises Licence *"may not be issued in respect of premises if a premises licence already has effect in relation to the premises"*. However, a single building could be subject to more than one Premises Licence, provided they are for different parts of the building and these parts can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track, or shopping mall to obtain discrete Premises Licences, where appropriate safeguards are in place. When considering applications, this Authority is aware of the need to pay particular attention regarding sub-division of a single building or plot so as to ensure that the mandatory conditions relating to access between premises are or would be complied with.

11.5 The Guidance states at Paragraph 7.6 that: *"In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the*

*subject of separate premises licences for the basement and ground floor if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the Licensing Authority.” Further paragraph 7.7 states that “The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a Licensing Authority should request a plan of the venue on which the premises should be identified as a separate unit”.*

11.6 This Council takes particular note of Paragraph 7.26 the Guidance which states that:

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

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

11.7 At Paragraph 7.33 of the Guidance, factors which may assist the Authority in determining whether two premises are truly separate have been provided these include:

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

11.8 This Authority will consider the above and any other relevant factors in making its decision, depending on all the circumstances of the case.

11.9 Paragraph 7.23 of the Guidance provides the relevant access provisions for each type of premises, this is reproduced below:

### **Casinos**

- *The principal entrance to the premises must be from a ‘street’ (as defined at Paragraph 7.21 of the Guidance)*
- *No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons*
- *No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.*

### **Adult Gaming Centre**

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

### **Betting Shops**

- *Access must be from a street (as defined at Paragraph 7.21 of the Guidance) or from other premises with a betting premises licence*
- *No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.*

### **Tracks**

- *No customer must be able to access the premises directly from a casino or adult gaming centre.*

### **Bingo Premises**

- *No customer must be able to access the premises directly from a casino, an adult gaming centre or a betting premises, other than a track.*

### **Family Entertainment Centre (Licensed)**

- *No customer must be able to access the premises directly from a casino, an adult gaming centre or a betting premises, other than a track.*

Part 7 of the Guidance contains further advice on this issue, which this Authority will also carefully take into account in its decision-making.

### **(iii) Premises “ready for gambling”**

11.10 The Guidance states at Paragraph 7.58 that “a licence to use premises for

*gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.”*

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

11.12 In deciding whether a Premises Licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying the following two stage consideration process in accordance with Paragraph 7.59 of the Guidance:

- Whether, as a matter of substance after applying the principles in Section 153 of the Act, the premises ought to be permitted to be used for gambling; and
- Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

11.13 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

11.14 More detailed examples of the circumstances in which such a licence may be granted can be found within the Guidance at Paragraphs 7.58-7.65 inclusive.

#### **(iv) Location**

11.15 This Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As detailed in the Guidance, this Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Each application will be decided on its merits.

11.16 When determining an application to grant or vary a premises licence or whether to review a premises licence, regard will be taken as to the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned. Each case will, however, be determined on its merits.

11.17 With regard to these objectives, it is the Licensing Authority, upon receipt of any relevant representations, to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that

provide services to children or young people, i.e. a school, or vulnerable adult centres in the area;

- the possible impact a gambling premises may have on residential areas; where there may be a high concentration of families with children;
- the size of the premises and the nature of the activities taking place;
- any levels of organised crime in the area.

11.18 The Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the Licensing Objectives.

11.19 Since 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the Licensing Objectives posed by the provision of gambling facilities at their premises. They must have policies, procedures, and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this Statement of Principles.

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

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

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

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

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

11.23 Other matters that the assessment may include:

- the training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how

the manning of premises affects this.

- details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- the layout of the premises so that staff have an unobstructed view of persons using the premises.
- the number of staff that will be available on the premises at any one time.
- if at any time the number of staff available on the premises is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.

#### **(v) Planning**

11.24 The Guidance states at Paragraph 7.58 that *“In determining applications, the Licensing Authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.”* This Council will therefore only take into account matters that are relevant to gambling and the Licensing Objectives,

11.25 In addition, this Council notes the Guidance at Paragraph 7.65 which states that *“When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”*

#### **(vi) Duplication with other regulatory regimes**

11.26 This Council seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Authority will therefore not consider whether a premises subject of a licence application is likely to be awarded planning permission or building regulations approval.

11.27 When dealing with a Premises Licence application for finished buildings, this Council will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings/ other regulations and must not form part of the consideration for the Premises Licence.

11.28 In considering applications, and taking enforcement action, this Authority is

bound by other legislation as listed below, but is not intended to duplicate existing law and regulatory regimes that already place obligations on employers and operators, including:

- Section 17 of the Crime and Disorder Act 1998;
- Human Rights Act 1998;
- Health and Safety at Work etc. Act 1974;
- Environmental Protection Act 1990;
- Anti-Social Behaviour, Crime and Policing Act 2014
- Equality Act 2010;
- General Data Protection Regulations (GDPR) 2018.

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## **12. Licensing Objectives & Actions to Promote**

- 12.1 Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Council has considered the Guidance and some comments are made below.

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

- 12.2 The Gambling Commission takes a leading role in preventing gambling from being a source of crime. In its Guidance for local authorities, has noted that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.”
- 12.3 The Council agrees with this statement The Council will, when determining applications, consider whether the grant of a premises licence in a particular location is likely to result in an increase in crime and disorder.
- 12.4 In considering licence applications, the council will particularly take into account the following:
1. the design and layout of the permit the training given to staff in crime prevention measures appropriate to those premises;
  2. physical security features installed in the premises. this may include matters such as the position of cash registers or the standard of Close Circuit Television (CCTV) that is installed;
  3. where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
  4. the likelihood of any violence, public order, or policing problem if the licence is granted.
- 12.5.1 Equally it will carefully consider whether control measures by way of conditions are appropriate to prevent the premises from being associated with or used to support crime and disorder, such as the provision of Security Industry Authority (SIA) Door Supervisors, controlled entry systems. The Council will also take into consideration the content of any risk assessments conducted by the Operator.

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

- 12.5.2 This Council has noted that the Commission states at Paragraph 5.11 that it generally “*would not expect Licensing Authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the*

*suitability and actions of an individual and therefore subject to the personal licence”.*

- 12.6 This will normally be a matter for either the operator and/or management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual who holds a personal licence under the Act. Both of which are the responsibility of the Gambling Commission, however if this Council suspects that gambling is not being conducted in a fair and open way, it will liaise with the Gambling Commission.

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

- 12.7 With limited exceptions, the access of children and young persons to those gambling premises, which are adult only environments, will not be permitted. The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 12.8 The Council will consult with the Local Children Safeguarding Unit and / or Sussex Police on any application that indicates there may be concerns over access for children or vulnerable persons.
- 12.9 The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This Council will also consider specific measures which may be required for buildings which are subject to multiple Premises Licences and uses. This may include such requirements as:
1. Supervision of entrances;
  2. Segregation of gambling areas from areas frequented by children;
  3. Supervision of gaming machines in non-adult gambling specific premises and where adult gambling is available.
- 12.10 In accordance with Guidance, consideration will be given as to whether staff will be able to adequately supervise gambling premises, as adequate staffing is a factor to consider regarding the prevention of underage gaming. This Council will work together with operators to consider how any impediments to the supervision of premises might be most appropriately remedied. Supervision also applies to premises that are themselves not age-restricted (e.g. bingo and family entertainment centres) but which make gambling products and facilities available,
- 12.11 Where the Council considers the structure or layout to be an inhibition or potential inhibition to satisfying the Licensing Objective, the Council will expect the applicant/licensee to consider what changes are required to ensure the risk is mitigated. Changes might include the positioning of CCTV/staff, the use of floor-walkers and/or determining a suitable location for the staff counter so

as to ensure direct line of sight and/or segregation of facilities as listed above.

12.12 As regards the term “*vulnerable persons*” it is noted that the Commission does not seek to offer a definition but states at Paragraph 5.17 that “*it does for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health needs, a learning disability or substance misuse relating to alcohol or drugs*”.

12.13 The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children but it will assume, for regulatory purposes, that ‘vulnerable persons’ includes:

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

### **Conditions**

12.14. Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The council will principally draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case as a means to comply with the Act and promote the Licensing Objectives.

12.15. Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

12.16. This Council notes that the mandatory and default conditions which attach to certain Premises Licences are set with the intention that it is ordinarily expected that no further regulation in relation to the matters that are being controlled will be required. This Authority will only consider doing so where there are regulatory concerns of an exceptional nature, and any additional licence conditions must relate to the Licensing Objectives.

12.17. Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Authority will consider utilising should there be a perceived need, such as the use of CCTV, qualified door supervisors, appropriate signage for adult only areas etc.

- 12.18. There are specific comments made in this regard under some of the licence types below. It is also for applicants for Premises Licences to offer their own suggestions as to ways in which the Licensing Objectives can be effectively met.
- 12.19. This Council will also ensure that where Category C or above gaming machines are on offer in premises to which children are admitted that:
- 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 holder of the licence; 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.
- 12.20. These considerations will also apply to premises including buildings where multiple Premises Licences are applicable.
- 12.21. This Council is aware that Tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Guidance, this Authority will consider the impact upon the third 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.
- 12.22. It is noted that there are conditions which the Council cannot attach to Premises Licences which are:
- Any condition on the Premises Licence which makes it impossible to comply with an Operating Licence condition;
  - Conditions relating to gaming machine categories, numbers, or method of operation;
  - Conditions which provide that membership of a Club or body be required (the Act 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.

### **Door Supervisors**

- 12.23. This Council recognises Paragraph 33.1 of the Guidance where it states that *“If a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example by children and young persons, then it may require that the entrances to the premises are controlled by a door supervisor. The licensing authority is able to impose a condition on the premises licence to this effect.”*

12.24 Where it is decided that supervision of entrances/machines is appropriate for particular cases, this Council will consider whether these need to be licensed by the Security Industry Authority or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary. This is supported by the Guidance at Part 33.

12.25 The Council will make an SIA Door Supervisor requirement if there is clear evidence that the premises cannot be adequately supervised and that supervision is necessary and appropriate to promote the licensing objectives.

### **13. Adult Gaming Centres**

13.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect applicants to satisfy the Authority that there will be sufficient measures to, for example, ensure that persons under 18 years do not have access to the premises.

13.2 The Council may consider measures to meet the Licensing Objectives such as:

- Proof of age scheme
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

### **14. (Licensed) Family Entertainment Centres**

14.1 This Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

14.2 This Council may consider measures to meet the licensing objectives such as:

- CCTV;
- Supervision of entrances/machine areas;

- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare; 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.

- 14.3 This Authority will seek to establish, so far as is reasonably possible, the extent to which any conditions attached to an Operating Licence controls the way in which the area containing the Category C gaming machines should be delineated.

## **15. Casinos**

- 15.1 Section 7 (1) of the Act states that ‘a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games’. Casino games are defined by the Act to mean a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants. Examples of casino games include roulette, blackjack, punto banco, three card poker and dice.

- 15.2 This Council has not passed a “no resolution” to prohibit the application and operation of casinos in the Borough at present. However, the Council reserves its right to review this situation and may at some time in the future, resolve not to permit casinos.

- 15.3 Should the Council choose to make such a resolution; this will be a resolution of Full council following considered debate and the reasons for making the resolution will be given. Despite this resolution, the situation nationally remains unaltered in that only the Councils that historically bid for and were successful in being granted permission to grant either a ‘large’ or ‘small’ casino licence, may do so. This Authority historically determined not to bid for such permission, but this is under review.

## **16. Bingo**

- 16.1 This Council notes the following paragraphs of the Guidance:

Paragraph 18.5 – *“Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed*

*area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating a separate premises in that area. Before issuing additional premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.”*

*Paragraph 18.7 – “Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.”*

## **17. Betting Premises**

17.1 *Self-Service Betting Terminals (SSBTs)* – Section 181 contains an express power for Authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. In accordance with the Guidance at Paragraph 19.9, when considering the number/nature/circumstances of SSBTs an operator wants to offer, the Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for persons under 18 to bet) or by vulnerable people.

## **18. Tracks**

18.1 This Council is aware that Tracks may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track. This Authority notes that Guidance and confirms that it will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

18.2 It is the applicant for a Track Premises Licence to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than Category D machines) are provided.

18.3 This Council may consider measures to meet the Licensing Objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;

- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

- 18.4 *Gaming machines* - Where the applicant holds a Pool Betting Operating Licence (this is granted by the Commission) and is going to use the entitlement to four gaming machines, machines (other than Category D) should be located in areas from which children are excluded.

### **Applications and plans - Tracks**

- 18.5 As part of an application for a Track Premises Licence, applicants are required to submit plans of the premises. As the Guidance states at Paragraph 20.43, *“This ensures that licensing authorities have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan also informs future premises inspection activity.”*
- 18.6 The Council also notes Paragraphs 20.44 of the Guidance which states that:
- “Plans for tracks need not be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.”*
- 18.7 The Council shares the Commission’s appreciation at Paragraph 20.46 of the Guidance that *“It is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Licensing Authorities should satisfy themselves that the plan provides sufficient information to enable them to assess an application.”*

## **19. Travelling Fairs**

- 19.1 Without requiring any form of authorisation under the Act, travelling fairs may provide an unlimited number of Category D gaming machines and/or equal chance prize, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.
- 19.2 The Council will consider whether the travelling fair falls within the statutory definition. The Act defines a travelling fair as *“wholly or principally”* providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.
- 19.3 It is noted that the 27-day statutory maximum for land being used as a fair



applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. So far as is reasonably practicable, this Authority will monitor the use of land and will work with its neighbouring Authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **20. Provisional Statements**

- 20.1 Developers may wish to apply to this Authority for Provisional Statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a Premises Licence. There is no need for the applicant to hold an Operating Licence in order to apply for a Provisional Statement.
- 20.2 Section 204 of the Act provides for a person to make an application to the Authority for a Provisional Statement in respect of premises that they:
- (a) Expect to be constructed;
  - (b) Expect to be altered; or
  - (c) Expect to acquire a right to occupy.
- 20.3 The process for considering an application for a Provisional Statement is the same as that for a Premises Licence application. The applicant is obliged to give notice of the application in the same way as applying for a Premises Licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.
- 20.4 In contrast to the Premises Licence application, the applicant does not have to hold, or have applied for, an Operating Licence from the Commission and they do not have to have a right to occupy the premises in respect of which their application for a Provisional Statement is made.
- 20.5 The holder of a Provisional Statement may then apply for a Premises Licence once the premises are constructed, altered or acquired. The Authority will be constrained in the matters it can consider when determining the Premises Licence application, and in terms of representations about Premises Licence applications that follow the grant of a Provisional Statement, no further representations from relevant Responsible Authorities or Interested Parties can be taken into account unless:
- They concern matters which could not have been addressed at the Provisional Statement stage, or
  - They reflect a change in the applicant's circumstances.
- 20.6 In addition, the Council may refuse the Premises Licence (or grant it on terms different to those attached to the Provisional Statement) only by reference to matters:
- Which could not have been raised by way of representations at the

- Provisional Statement stage;
- Which, in the Council'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. This must be a substantial change to the plan and this Authority would discuss any concerns it has with the applicant before making a decision.

## **21. Betting Machines**

21.1 While the Council has authority as to the number, nature, and circumstances of use of betting machines, it will consider limiting the number where there is clear evidence that such machines have been or are likely to be used in breach in the Licensing Objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines.

## **22. Reviews**

22.1 Requests for a review of a Premises Licence can be made by Responsible Authorities or Interested Parties; however, it is for the Council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- In accordance with any relevant Code of Practice issued by the Commission;
- In accordance with any relevant Guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement.

22.2 The request for the review will also be subject to the consideration by the Council as to whether the request is frivolous, vexatious, irrelevant, repetitious or whether it will certainly not cause this Council to wish to alter/revoke/suspend/remove the Licence, or whether it is substantially the same as previous representations or requests for review.

22.3 The Council can also initiate a review of a particular Premises Licence, or a particular class of Premises Licence on the basis of any reason which it thinks is appropriate.

22.4 The Council will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may be that activities, including the following, are taking place:

- a. use of licensed premises for the sale and distribution of class a drugs and the laundering of the proceeds of drugs crimes;
- b. use of licensed premises for the sale and distribution of illegal firearms;

- c. use of licensed premises for prostitution or the sale of unlawful pornography;
  - d. use of licensed premises as a base for organised criminal activity;
  - e. use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
  - f. use of licensed premises for the sale of smuggled tobacco or goods;
  - g. the use of licensed premises for the sale of stolen goods;
  - h. children and/or vulnerable persons are put at risk.
- 22.4 Once a valid application for a review has been received by the Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Authority, who will publish notice of the application within 7 days of receipt.
- 22.5 The Council must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 22.6 The purpose of the review will be to determine whether the Authority should take any action in relation to the Licence. If action is justified, the options open to the Authority are:-
- (a) Add, remove or amend a Licence condition imposed by the ;
  - (b) Exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
  - (c) Suspend the Premises Licence for a period not exceeding three months; and
  - (d) Revoke the Premises Licence.
- 22.7 In determining what action, if any, should be taken following a review, the Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 22.8 In particular, the Council as Licensing Authority may also initiate a review of a Premises Licence on the grounds that a holder of a Premises Licence has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 22.9 Once the review has been completed, the Authority must, as soon as possible, notify its decision to:
- The holder of the premises licence;
  - The applicant for review (if any);
  - The Gambling Commission;
  - Any person who made representations;
  - The Chief Officer of Police or Chief Constable; and
  - Her Majesty's Commissioners for Revenue and Customs

**PART C**  
**Permits / Temporary & Occasional Use Notice**

- 23. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of principles on Permits – Section 247 of the Act and Schedule 10 Paragraph 7)**
- 23.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Council as Licensing Authority for this Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use in accordance with the requirements of Section 238 of the Act.
- 23.2 Schedule 10, Paragraph 7 of the Act states that an Authority may “*prepare a statement of principles that they propose to apply*” in determining the suitability of an applicant for a Permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25 of the Act. The Guidance also states at Paragraph 24.8 “*In its Statement of Policy, a Licensing Authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for Permits..... Licensing Authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.*”
- 23.3 Guidance also states at Paragraph 24.9 that “*An application for a Permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Chief Officer of Police has been consulted on the application....Licensing Authorities may also consider asking applicants to demonstrate:*
- *A full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres;*
  - *That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and*
  - *That employees are trained to have a full understanding of the maximum stakes and prizes.”*
- 23.4 It should be noted that a Council cannot attach conditions to this type of Permit.
- 23.5 Statement of principles – The Council will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include
- Appropriate measures/training for staff as regards suspected truant school children on the premises

- Measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

23.6 In accordance with Guidance, the Council expects that applicants to be able to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- That the applicant has no relevant convictions as are set out in Schedule 7 of the Act
- Staff are trained to have a full understanding of the maximum stakes and prizes.
- This Council also expects applicants to provide a plan in support of their application. The plan must clearly show the extent of the boundary or perimeter of the premises and the location at the premises in which the Category D gaming machines will be made available for use in reliance on the Permit. The plans should include entrance/ exit(s), fixed furniture/fittings, location of the various gaming machines and supervisory station(s)).
- Public Liability Insurance certificate for a minimum cover of £10 million.
- Operating schedule outlining how the applicant proposes to promote the Licensing Objectives.
- The applicant (individual or each company director) will provide a recent (within one month of issue) DBS check together with a list of all staff names to be employed at the premises, such a list to be updated following the termination or employment of any new member of staff. a recent (within one month of issue) DBS check will be required for each employee before they take up their relevant post.

23.7 Given that the premises is likely to appeal particularly to children and young persons, the Council as Licensing Authority will give considerable weight to matters relating to the protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.

- a permit shall cease to have effect at the end of the period of ten years beginning with the date specified unless it ceases to have effect before that time in accordance with legislation, or it is renewed.
- a permit shall lapse if the holder ceases to occupy the premises specified.
- a permit shall not take effect if on the date specified the person to whom the permit is issued is not an occupier of the premises as specified.
- a permit shall lapse if the licensing authority notify the holder that the premises are not being used as a family entertainment centre (premises used wholly or mainly for use of gaming machine not above category d as defined in the act).
- a permit shall lapse if the holder ceases to exist, or goes into liquidation (within the meaning of Section 247(2) of the Insolvency Act 1986).
- a permit shall cease to have effect if the holder gives to the licensing authority notice of surrender, and either the permit, or a statement explaining why it is

not reasonably practicable to produce the permit.

**24. (Alcohol) Licensed Premises Gaming Machine Permits & Automatic Entitlement**  
**(Section 283 of the Act and Schedule 13 Paragraph 4(1))**  
**(Section 282 of the Act)**

**Permit: 3 or more gaming machines**

- 24.1 Under Section 283 of the Act, the holder of an appropriate alcohol Premises Licence granted under the Licensing Act 2003 (the Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that alcohol is served only with food) may apply for a Permit if they wish to make available for use at the premises more than two gaming machines drawn from Category C and/or D. The Council must consider any application for a Permit based upon the licensing objectives, any guidance issued by the Commission issued under Section 25 of the Act, and *“such matters as they think relevant”*.
- 24.2 The Council considers that *“such matters”* will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect applicants to satisfy the Authority that there will be sufficient measures to ensure that persons under 18 years do not have access to the adult only gaming machines. Measures which will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 24.3 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre Premises Licence.
- 24.4 It should be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 24.5 It should also be noted that the holder of a Permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

**Automatic entitlement: Maximum of 2 gaming machines**

- 24.6 Under Section 282 of the Act, the holder of an appropriate alcohol Premises Licence granted under the Licensing Act 2003 (the Premises Licence must

include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that alcohol is served only with food) may give notice to the Authority that they wish to take advantage of the automatic entitlement to provide at the premises a maximum of two gaming machines again drawn from either Category C and/or D. There is no application process, however the holder of the Premises Licence is required to formally notify the Council prior to making gaming machines available for use.

24.7 However, the Council can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of the gaming machines;
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

24.8 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. Alcohol licensed premises are able to provide some equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission in this regard.

24.9 As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare as well as the promotion of a Responsible Gambling Policy and self-exclusion process.

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

24.11 The Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

## **25. Prize Gaming Permits**

25.1 Schedule 14, Paragraph 8(1) of the Act states that an Authority may “*prepare a statement of principles that they propose to apply in exercising their functions under this Schedule*” which “*may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of*

*the applicant for a Permit.”*

25.2 Statement of principles - This Authority will expect that applicants should set out the types of gaming that they are intending to offer and they should also be able to demonstrate:

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

25.3 In accordance with the provisions of Schedule 14, Paragraph 8(3) of the Act, the Authority, when making its decision on an application for a Permit, does not need to (but may) have regard to the licensing objectives but must have regard to any Guidance issued by the Commission.

25.4 It should be noted that there are conditions in the Act by which the holder of the Permit must comply, but that the Authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money 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.

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

26.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit which authorises an establishment to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations, namely pontoon and chemin de fer. Up to a maximum of three gaming machines drawn from categories B3A, B4, C or D may be provided, but only one B3A machine may be sited as part of this entitlement.

26.2 If a Club does not wish to have the full range of benefits permitted by a Club Gaming Permit or if they are a Commercial Club, then they may apply for a Club Machine Permit. This authorises gaming machines to be provided in accordance with the following requirements:

- Members Clubs and Miners' Welfare Institutes - maximum of three



gaming machines drawn from categories B3A, B4, C or D. Only one B3A machine may be sited as part of this entitlement.

- Commercial Clubs - maximum of three gaming machines drawn from categories B4, C or D.

26.3 Guidance states at Paragraph 25.4 that *"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 restricted to that of a prescribed kind (currently bridge or whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence."*

26.4 The Guidance also states at Paragraph 25.38 that *"Licensing Authorities may only refuse an application on the grounds that:*

- (a) *The applicant does not fulfil the requirements for a Members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of Permit for which it has applied;*
- (b) *The applicant's premises are used wholly or mainly by children and/or young persons;*
- (c) *An offence under the Act or a breach of a Permit has been committed by the applicant while providing gaming facilities;*
- (d) *A Permit held by the applicant has been cancelled in the previous ten years; or*
- (e) *An objection has been lodged by the Commission or the Police."*

26.5 There is also a 'fast-track' procedure available under Schedule 12, Paragraph 10 of the Act in respect of premises which also benefit from a Club Premises Certificate granted under the Licensing Act 2003. As the Guidance states at Paragraphs 25.41 & 25.43, *"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced."* and *"The grounds on which an application under this process may be refused are that:*

- (a) *The Club is established primarily for gaming, other than gaming prescribed by Regulations under Section 266 of the Act;*
- (b) *In addition to the prescribed gaming, the applicant provides facilities for other gaming;*
- (c) *A Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled."*

26.6 There are statutory conditions on Club Gaming Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

## **27. Temporary Use Notices**

27.1 Temporary Use Notices allow the use of premises for gambling where there is

no Premises Licence in effect, however the holder of an appropriate operating licence wishes to use a premises temporarily for providing facilities for gambling. At Paragraph 14.1 of the Guidance, the Commission have suggested that premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues. Temporary Use Notices are often, but not exclusively, used to run poker tournaments.

27.2 Secondary legislation, The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 sets out the restrictions on the type of gambling to be offered under a Temporary Use Notice. These restrictions are:

- It can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both;
- Gambling under a Temporary Use Notice may only be made available on a maximum of 21 days in any 12-month period for any or all of a named set of premises;
- It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner;
- Gaming machines may not be made available under a Temporary Use Notice.

27.3 There are a number of statutory limits regarding Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Guidance. As with "*premises*", the definition of "*a set of premises*" will be a question of fact in the particular circumstances of each notice that is given. In the Act "*premises*" is defined as including "*any place*".

27.4 In considering whether a place falls within the definition of "a set of premises", the Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

27.5 The Council is likely 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.

## **28. Occasional Use Notices:**

28.1 The intention of Occasional Use Notices is to permit licensed betting operators with appropriate permission from the Commission, to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. The Occasional Use Notice must be served by a person who is responsible for administration of events on the track or by an occupier of a track.

28.2 The Council has very little discretion as regards these notices, except for ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Authority will, however, consider the definition of a 'track' and whether

the applicant is permitted to avail him/herself of the notice. A 'track' includes horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place. Land therefore which has a number of uses, one of which fulfils the definition of a track, can qualify for the Occasional Use Notice provisions (for example agricultural land upon which a point-to-point meeting takes place).

- 28.3 Betting operators cannot provide gaming machines at tracks by virtue of an Occasional Use Notice.

## **29. Complaints**

- 29.1 The Council will investigate complaints against licensed premises in relation to matters relating to the Act and the Licensing Objectives for the activities under the Act for which it has responsibility. Other matters will be referred to the Gambling Commission.
- 29.2 However, in the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.
- 29.3 Where an interested party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the council may initially recommend a conciliation meeting to address and clarify the issues of concern.
- 29.4 This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections/representations, or for any licence holder to decline to participate in a conciliation meeting.
- 29.5 Due consideration will be given to all relevant representations unless they are considered to be irrelevant, frivolous, vexatious, or repetitious.

## **30.0 Further information**

- 30.1 Further information about the Gambling Act 2005, this Statement of Gambling Policy and about the application process, including application forms and guidance notes can be obtained from:

Environmental Health & Licensing Team  
Community Services  
Crawley Borough Council Town Hall  
The Boulevard  
West Sussex  
RH10 1UZ

Tel: **01293 438027**  
Fax: **01293 438604**  
Email: [licensing@Crawley.gov.uk](mailto:licensing@ Crawley.gov.uk)  
Website: [www.crawley.gov.uk](http://www.crawley.gov.uk)

Information is also available from

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: **0121 230 6500**  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

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## APPENDIX A – PLAN OF THE CRAWLEY BOROUGH COUNCIL AREA

Borough of Crawley



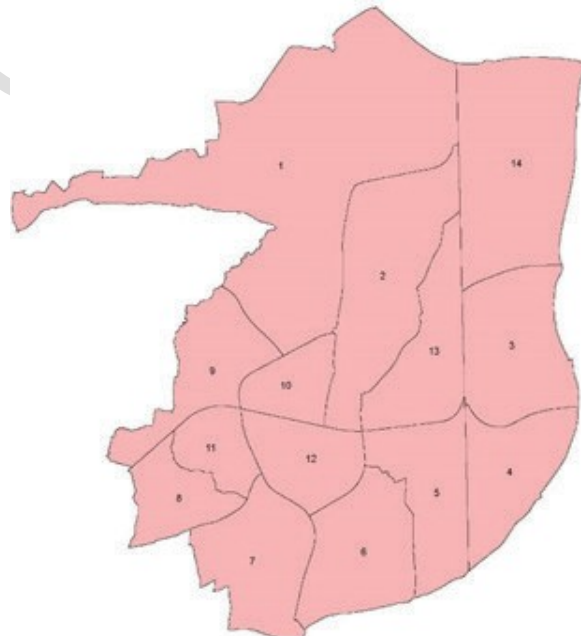
Shown within West Sussex

### Geography

Status:	Borough
Region:	South East England
Admin. County:	West Sussex
Area:	44.97 km <sup>2</sup>
Admin. HQ:	Crawley

### Neighbourhoods of Crawley

1. Langley Green
2. Northgate
3. Pound Hill
4. Maidenbower
5. Furnace Green
6. Tilgate
7. Broadfield
8. Bewbush
9. Ifield
10. West Green
11. Gossops Green
12. Southgate
13. Three Bridges
14. Forge Wood



**APPENDIX B Table of delegations of licensing functions under the Gambling Act 2005**

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three-year Licensing Policy	•		
Policy not to permit casinos	•		
Fee Setting - when appropriate		Portfolio holder	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn

Review of a premises licence		•	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		•	
Applications for other permits			•
Cancellation of licensed premises gaming machine permits			•
Consideration of temporary use notice			•
Decision to give a counter notice to a temporary use notice		•	
Determination as to whether a person is an Interested Party			•
Determination as to whether representations are relevant			•
Determination as whether a representation is frivolous, vexatious, or repetitive			•

## APPENDIX C – RESPONSIBLE AUTHORITY DETAILS

### Licensing Authority

Health, Safety and Licensing Manager, Crawley Town Hall, The Boulevard, Crawley, RH10 1UZ

Tel: 01293 438023 Email: [Licensing@crawley.gov.uk](mailto:Licensing@crawley.gov.uk) Website: [www.crawley.gov.uk](http://www.crawley.gov.uk)

### Environmental Health (Pollution)

Pollution Team, Crawley Town Hall, The Boulevard, Crawley, RH10 1UZ

Tel: 01293 438000 Email: [EnviromentalServices@crawley.gov.uk](mailto:EnviromentalServices@crawley.gov.uk) Website: [www.crawley.gov.uk](http://www.crawley.gov.uk)

### Health and Safety

Health and Safety Team, Crawley Town Hall, The Boulevard, Crawley, RH10 1UZ

Tel: 01293 438000 Email: [EnviromentalServices@crawley.gov.uk](mailto:EnviromentalServices@crawley.gov.uk) Website: [www.crawley.gov.uk](http://www.crawley.gov.uk)

### Planning Services

#### Environmental Health (Pollution)

Planning Team, Crawley Town Hall, The Boulevard, Crawley, RH10 1UZ

Tel: 01293 438000 Email: [Developmentcontrol@crawley.gov.uk](mailto:Developmentcontrol@crawley.gov.uk) Website: [www.crawley.gov.uk](http://www.crawley.gov.uk)

### Gambling Commission

Victoria Square House, Victoria Square, Birmingham, B2 4BP - Tel: 0121 230 6666

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Fax: 0121 230 6720 - Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk) - Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### HM Revenue and Customs (HMRC)

HM Revenue and Customs National Registration Unit Portcullis House, 21 India Street Glasgow, G2 4PZ

Excise Processing Teams, BX9 1GL, United Kingdom - Tel: 0300 322 7072 Option 7 - Email: [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk) - Website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

### West Sussex Safeguarding Children Partnership

West Sussex Local Safeguarding Children Board, c/o Children's Safeguarding Unit, Room 24, Durban House, Bognor Regis, West Sussex, PO22 9RE - Tel: 03302 223337 - Email: [cpu.team@westsussex.gcsx.gov.uk](mailto:cpu.team@westsussex.gcsx.gov.uk) - Website: [www.westsussex.gov.uk](http://www.westsussex.gov.uk)

### Sussex Police

Chief Officer of Sussex Police, c/o Licensing Officer, Sussex Police, Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2PQ - Tel: 0845 60 70 999 or 101 - Fax: 01243 843637 - Email: [WS\\_Licensing\\_WOR@sussex.pnn.police.uk](mailto:WS_Licensing_WOR@sussex.pnn.police.uk) - Website: [www.sussex.police.uk](http://www.sussex.police.uk)



**West Sussex Fire and Rescue Service**

Business Fire Safety, West Sussex Fire & Rescue Service, Horsham Fire Station,  
Hurst Road, Horsham, West Sussex, RH12 2DN- Tel: 0330 222 3333 - Email:  
[businessfiresafety@westsussex.gov.uk](mailto:businessfiresafety@westsussex.gov.uk) - Website: [www.westsussex.gov.uk](http://www.westsussex.gov.uk)

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## **APPENDIX D – CONSULTEES - POLICY STATEMENT**

Includes:

Councillors of Crawley Borough Council

West Sussex County Councillors

Henry Smith, MP

Responsible Authorities as specified at Appendix C

Mr Andy Isaacs, Compliance Manager, Gambling Commission

Adults' Services, West Sussex County Council

Holders of existing permissions granted under the Gambling Act 2005

Community Safety Partnership (CSP)

British Amusement Catering Trade Association (BACTA)

Association of British Bookmakers (ABB)

Bingo Association

National Casino Forum

Hospice Lotteries Association

Lotteries Council

Remote Gambling Association (RGA)

The Racecourse Association Limited

British Horse Racing Authority (BHA)

British Beer and Pub Association (BBPA)

GambleAware

GamCare

Gamblers Anonymous

Other Gambling Support Organisations

Licensing Consultants who have contacted the Council and requested to be consulted

Citizens Advice Bureau

Children's Safeguarding Unit, West Sussex County Council

HM Revenues and Customs

Crawley Local Strategic Partnership

Representatives of the licence holders for premises in the Borough who are affected by this policy

Members of the public who are affected by this policy

Crawley and Gatwick Business Watch

Crawley Business Improvement District (BID)

Internal Partners responsible for Community Safety, Development Control and Economic Development

NB A full list of consultees will be held by the Council

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**APPENDIX E – SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS  
(This is subject to change)**

<b>Category of machine</b>	<b>Maximum stake</b>	<b>Maximum prize</b>
<b>A</b>	Unlimited – No category A gaming machines are currently permitted	
<b>B1</b>	£5	£10,000*
<b>B2</b>	£2	£500
<b>B3A</b>	£2	£500
<b>B3</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D - Non-money prize</b>	30p	£8
<b>D - Non-money prize (crane grab machines only)</b>	£1	£50
<b>D - Money prize</b>	10p	£5
<b>D - Combined money and non-money prize</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D - Combined money and non-money prize (coin pusher or penny falls machine only)</b>	20p	£20 (of which no more than £10 may be a money prize)

\* With option of maximum £20,000 linked progressive jackpot on premises basis only

## **APPENDIX F            MAXIMUM FEES & CHARGES (UNDER REVIEW)**

### **APPENDIX G**

#### **Glossary of terms**

Within this Statement of Gambling Policy, the following words and terms are defined as stated:

<b>The Act</b>	Gambling Act 2005
<b>Licensing objectives</b>	As defined in the Act and Statement of Licensing Policy
<b>Council</b>	Means Crawley Borough Council as
<b>District</b>	Means the area of West Sussex administered by Crawley Borough Council – see map in Appendix A
<b>Licence</b>	As defined in section 1.4 below.
<b>Applications</b>	Means applications for Licences or Permits defined in section 1.4 below.
<b>Notifications</b>	Means notifications of Temporary Use Notices, Occasional Use Notices, and licensed premises gaming machine notices
<b>Act</b>	Means the Gambling Act 2005
<b>Regulations</b>	Means Regulations made under the Gambling Act 2005
<b>Premises</b>	Means any place and includes a vehicle, vessel, or moveable structure
<b>Code of practice</b>	Means any relevant code of practice under Section 24 of the Gambling Act 2005
<b>Mandatory condition</b>	Means any specified condition provided by regulations to be attached to a licence
<b>Betting machines</b>	These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter, not to be confused with AWP's.
<b>Responsible authority</b>	For the purposes of the Gambling Act 2005, the following are responsible authorities in relation to premises: <ul style="list-style-type: none"><li>• The Licensing Authority (Crawley Borough Council)</li><li>• The Gambling Commission</li><li>• Sussex Police</li><li>• West Sussex Fire and Rescue Service</li><li>• Head of Planning Services, Development Control, Crawley Borough Council</li></ul>

- Head of Environmental Services, Crawley Borough Council
- Children’s Safeguarding Unit, Social Services, West Sussex County council (WSSC)
- HM Revenues and Customs

**Interested party**

For the purposes of the Gambling Act 2005, a person is an interested

party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities.
- Has business interests that might be affected by the authorised activities; this could also include, for example, trade associations, charities, faith groups and medical practices.
- Represents persons who satisfy either of the above; for example Residents’ and Tenants’ Associations.
- When considering whether a person is an “interested party,” each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the Gambling Commission’s Guidance to Local Authorities.

**Applications authorisations**

Applications for licences and permits as defined in paragraph 1.15 and 1.16.

**Authorised local authority officer**

A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority’s area.

**Authorised person**

A Licensing Officer and an officer of an authority other than a Licensing

Authority, both of whom have been authorised for a purpose relating to premises in that authority’s area. The following are considered authorised persons:

- Inspectors appointed under the Fire Precautions Act 1971;
- Inspectors appointed under the Health and Safety at Work, etc. Act 1974
- Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995;
- A person in a class prescribed in regulations by the secretary of State.

**Automated roulette equipment**

Two types: a. Linked to a live game of chance, e.g., Roulette  
b. Plays live automated game, i.e., operates without human

	intervention
<b>Automatic conditions</b>	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
<b>AWP machines</b>	Amusement with Prizes Machines e.g., certain fruit machines
<b>BACTA</b>	British Amusement Catering Trade Association
<b>Betting intermediary</b>	Offers services via remote communication, such as the internet.
<b>Betting ring betting machines bingo casino</b>	An area that is used for temporary 'on course' betting facilities. A machine designed or adapted for use to bet on future real events (not a Gaming Machine) where a bet can be placed on the shop floor without the need to visit the counter. A game of equal chance. An arrangement whereby people are given an opportunity to participate in one or more casino games.
<b>Casino games</b>	Games of chance that are not equal chance gaming.
<b>Casino premises licence categories</b>	a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements
<b>Casino resolution</b>	Resolution not to issue Casino Premises
<b>Child</b>	Individual who is less than 16 years old.
<b>Club gaming machine permit</b>	Permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)
<b>Code of Practice</b>	Means any relevant code of practice under section 24 of the Gambling Act 2005
<b>Complex Lottery</b>	An arrangement where: <ul style="list-style-type: none"> <li>• Persons are required to pay to participate in the arrangement;</li> <li>• In the course of the arrangement, one or more prizes are allocated to one or more members of a class;</li> <li>• The prizes are allocated by a series of processes; and</li> <li>• The first of those processes relies wholly on chance.</li> </ul>
<b>Council</b>	Crawley Borough Council
<b>Customer lotteries</b>	Lotteries run by the occupiers of business premises who sell tickets only to  customers present on their premises. These lotteries may not be conducted on vessels.
<b>Default conditions</b>	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified

	circumstances.
<b>Delegated powers</b>	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
<b>Domestic computer</b>	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
<b>Disorder</b>	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
<b>Equal chance gaming</b>	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
<b>EBT</b>	Electronic Bingo Ticket Minder. Electronic equipment operated by a Bingo Operators Licence for playing bingo
<b>Exempt Lotteries</b>	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <li>• Small Society Lottery (required to register with Licensing Authorities.</li> <li>• Incidental Non-Commercial Lotteries e.g. Raffle at a dance/church fair</li> <li>• Private Lotteries e.g., Raffle at a student hall of residence</li> <li>• Customer Lotteries e.g., Supermarket holding a hamper raffle</li> </ul>
<b>External Lottery manager</b>	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
<b>Fixed odds betting</b>	General betting on tracks
<b>Fixed odds betting terminal</b>	A category B2 gaming machine
<b>Game of chance</b>	A game of chance can include an element of chance and an element of skill. This does not include a sport.
<b>Gaming</b>	Playing a game of chance for a prize.
<b>Gaming machine</b>	Machine covering all types of gambling activity, including AWP machines and betting on virtual events
<b>Unlicensed Family Entertainment Centre</b>	Unlicensed family entertainment centres (UFECs) family entertainment centre is only entitled to Category D machines (low stake) and permits last for 10 years



Categories	Max Prize
Max. Stake	
A Unlimited	
B1 £2	£4,000
B2 £100	£500
B3 £1	£500
B4 £1	£250
C 50p	£25
D 10p or 30p*	£5 or £8*

\*When non-monetary prize only

B2 machines are subject to change following Central government policy changes in 2018.

<b>Guidance</b>	Guidance issued by the Gambling Commission dated May 2009.
<b>Human Rights Act 1998</b>	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions
<b>Articles 1, 6, 8 and 10</b>	Article 6: the right to a fair hearing Article 8: the right of respect for private and family
<b>GDPR</b>	General Data Protection Regulations 2018
<b>Authority /Council</b>	Crawley Borough Council as Licensing Authority/ the Council