



Canterbury City Council

Gambling Act 2005

Gambling Policy Statement

February 2016

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PART A

Please note:

In this document we refer to the Gambling Act 2005 as ‘the Act’ and to the Guidance to Licensing Authorities issued by the Gambling Commission in 2012 (4th edition) as ‘the Guidance.’ Please note that a 5th Edition will be issued shortly which may require further amendment to the Policy.

Where a section is mentioned (eg Section 1) it is a section of the Licensing Act 2003.

LGA means the Local Authority Co-ordinators of Regulatory Services – a local government organisation.

1. The Licensing Objectives

In exercising most of their functions under the Act, Licensing 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.**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

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

- in accordance with any relevant code of practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the Licensing Objectives and;
- in accordance with the Authority's Gambling Policy Statement.

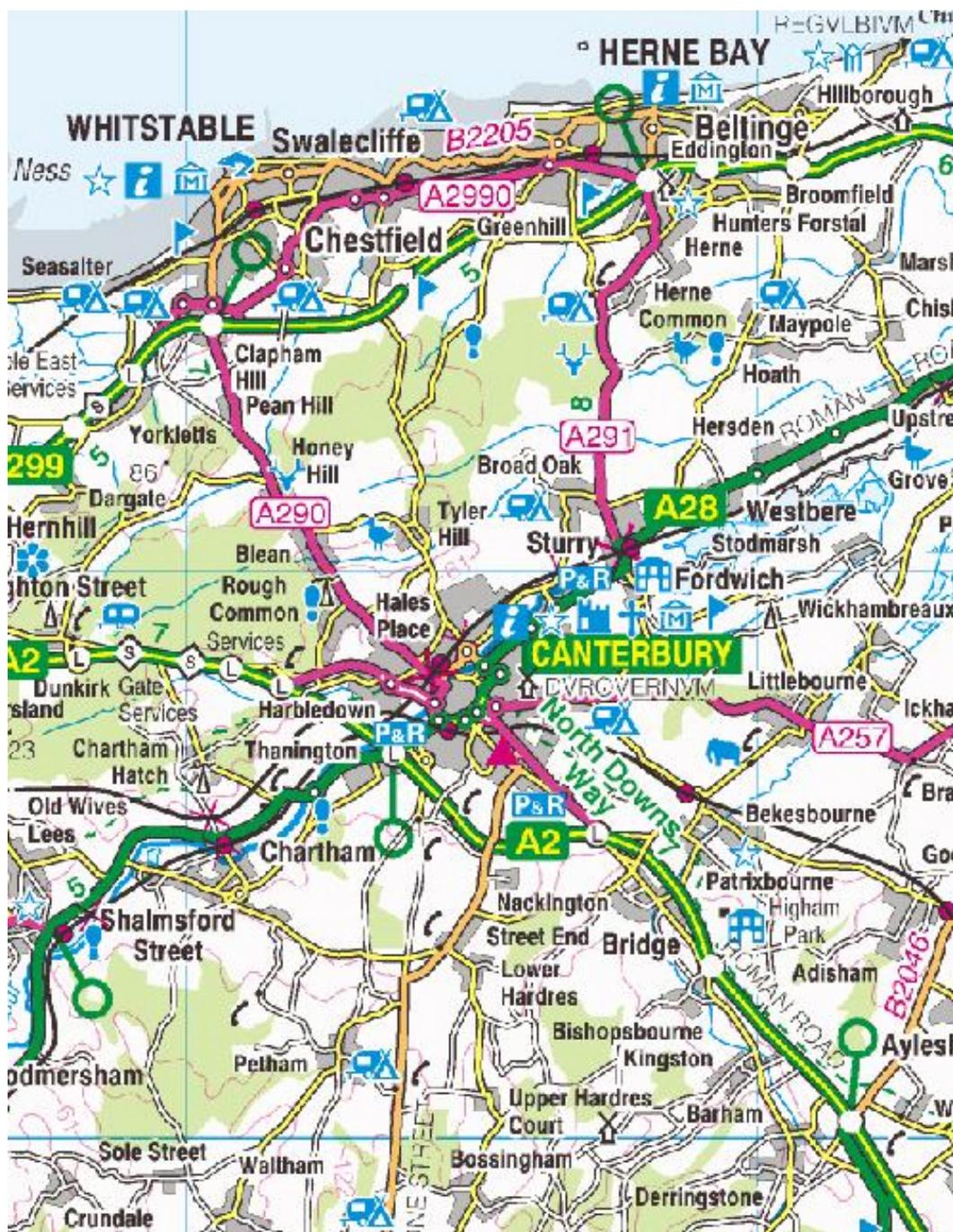
2. Introduction

Canterbury City Council is situated in the County of Kent, which contains 12 district councils and 1 unitary authority in total. Each is represented on the Kent & Medway Regulatory Licensing Steering Group (K&MRLStGp) whose role includes the identification of issues on which a consistent countywide approach is considered essential and the formulation of recommended policy that establishes a minimum standard on these identified issues.

This policy has been formulated in discussion with the Kent & Medway Regulatory Licensing Steering Group.

The council area has a population of 149,100 (ONS 2009) making it one of the largest in the County in terms of population. In terms of area it is also one of the largest, covering 31,056 hectares. The council area is rural with a central city and two coastal towns. There are also a number of larger villages and other smaller rural settlements. The area is a major tourist attraction and a world heritage site and has four universities in the City of Canterbury. The three urban areas and the rural villages and settlements are shown on the map here.

Map of Canterbury District



Licensing Authorities are required by the Act to publish a 'Statement of the Principles' that they propose to apply when exercising their functions under the Act. This Statement must be published at least every three years. The Statement can also be reviewed from 'time to time' and the amended parts re-consulted upon. The Statement must then be re-published.

In determining its policy the Licensing Authority have regard to the Guidance and will give appropriate weight to the views of those it has consulted.

Canterbury City Council has consulted widely on this Policy Statement before finalising and publishing it. A list of the persons consulted and responses is provided at Appendix 1.

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

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

The Licensing Authority consulted widely on this policy – by public advertisement, by Canterbury City Council web site and by letter to all organisations / individuals licensed under this legislation in the city council area.

The consultation took place between 03 December 2015 and 22 January 2016.

The Gambling Commission Guidance to Local Authorities document is available via:

http://www.gamblingcommission.gov.uk/licensing_authorities/information_for_licensing_auth/guidance_to_las.aspx

The full list of comments made and the consideration by the Council of those comments is available by request to the Council's Business Support Unit

business.support@canterbury.gov.uk

The Policy was approved at a meeting of the Full Council and was published via our website on 03 December 2015. Copies have been placed in the public libraries of the area as well as being available in the principal Council Offices.

Should you have any comments as regards this Policy Statement please send them via e-mail or letter to the following contact:

Name: Anton Walden
Licensing Case Officer

Address:
Canterbury City Council
Military Road
Canterbury
Kent
CT1 1YW

E-mail: **anton.walden@canterbury.gov.uk**

It should be noted that this Policy Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each application or representation will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005 and the Guidance issued by the Gambling Commission.

3. Declaration

In producing this Licensing Policy Statement, the Licensing Authority declares that it has had regard to the Licensing Objectives set out in the Act, the Guidance issued by the Commission, and any responses from those consulted on the Policy Statement.

4. Casinos

There are no casinos licensed in the Canterbury City Council area. Section 166 of the Gambling Act 2005 provides a Licensing Authority with the ability to resolve not to issue Casino Premises Licences.

The authority has resolved that a premises licence will not be issued to a premise within the District. On 21 September 2006, in Minute No. 406, the Full Council adopted the recommendations contained in Minute No. 377 of the Licensing Committee (Special Meeting) on 20 September 2006, namely that:

- “a) That Canterbury City Council advises the Casino Advisory Panel that it no longer wishes Canterbury district to be considered as a potential location for either a large or small casino.*
- b) That under Section 166(i) of the Gambling Act 2005 the Canterbury City Council, with effect from 22 September 2006, will not issue casino licences.*
- c) That the resolution under Section 166(i) of the Gambling Act 2005 be included in the Council’ Licensing Policy Statement.”*

5. Functions and delegations

- a. This table shows which functions local authorities are responsible for under the Act

Function
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 alcohol licensed premises (under the Licensing Act 2003) for the use of 2 or fewer gaming machines.
Issue Licensed Premises Gaming Machine Permits for premises licensed to sell / supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than 2 machines.
Register Small Society Lotteries below 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 8 Exchange of Information below).
Maintain Registers of the permits and licences that are issued under these functions.

b. Summary of Licensing Authority delegations permitted under the Gambling Act 2005.

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

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

c. The Gambling Commission functions are listed on page 30 of this Policy.

NB The Licensing Authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Commission.

6. Operators

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for up to ten different types of gambling activity and a separate licence is needed for both remote and non-remote gambling of the same types.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a licensing authority area is required to apply for a premises licence that is specific to the particular premises.

Operators are required to comply with conditions attached to both their operator and individual premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

The Licence Conditions and Codes of Practice (LCCP) were updated in April 2015, and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the Licensing Objectives arising from each of their premises and have policies, procedures and control measures to mitigate them.

Licensees are required to take into account the Licensing Authority's Statement of Principles in developing their risk assessments.

Local risk assessments should be undertaken or reviewed and if necessary updated by operators:

- when applying for a new licence or
- to vary a premises licence to reflect significant changes to local circumstances, including those identified in the Statement of Principles
- when there are significant changes at the premises which may affect mitigation of local risks.

Operators are advised to share their risk assessments when submitting such applications.

7. Local area profiles

The Gambling Commission's draft of its 5th Edition of the Guidance is proposing that, like operators, Licensing Authorities complete and map their own assessment of local risks and concerns by developing local area profiles to help shape their statements (although there is no requirement on the licensing authority to do this as it is discretionary). In simple terms, the objective of the profile is to set out what the area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing authority and operators.

There are only 23 gambling premises licences (15 betting shops, one bingo, four adult gaming centres, one family entertainment centre, two unlicensed family entertainment) across the district and there are no areas of high density of gambling premises.

In assessing local area profiles, licensing authorities can also take into account the location of:

- schools, sixth form colleges, youth centres etc with reference to the potential risk of under-age gambling
- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings
- any known information about issues with problem gambling
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area (eg seaside resorts may typically have more arcades or FECs).

At the time of drafting this Statement of Principle this Licensing Authority does not have any evidence that there are specific issues at the moment but will expect an operator to include the above factors when carrying out risk assessments of the area in which the new premises is proposed.

If there is a need or evidence to develop the local area profile further this will be done outside the scope of this document and updated as information changes.

8. Risk assessments

The Licensing Authority will require a risk assessment to be submitted for all types of gambling premises application for all new and variation applications.

9. Responsible authorities

In exercising the licensing authority's 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 following principles have been applied:

- the need for the body to be responsible for the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Guidance this authority designates the following body for this purpose:

- Children's and Families – KCC Social Services.

The contact details of all the Responsible Bodies under the Act are listed at Appendix 2.

10. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as someone who, in the opinion of the licensing authority which issues the licence or to which the application is made:

- 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).

The licensing authority 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. The authority will not apply a rigid rule to its decision-making. It will however consider the following factors from the Guidance:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults;
- the 'catchment' area of the premises (ie how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

It will also consider the statement in the Guidance that 'has business interests that may be affected' should be given the widest possible interpretation and will include partnerships, charities, faith groups and medical practices.

The Commission has emphasised to Licensing Authorities, that 'demand' cannot be a factor in decisions.

Guidance also states that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the Licensing Objectives.

The Commission has recommended that the licensing authority state that 'interested parties' include trade associations and trade unions, and residents and tenants' associations. The authority will not however generally view these bodies as 'interested parties' unless they have a member who can be classed as one under the terms of the Act, ie a member who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an 'interested person' will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, the authority will generally require written evidence that a person / body (eg 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. A letter from one of these persons, requesting the representation is sufficient.

Councillors who are part of the Licensing Committee dealing with the licence may not be able to represent an 'interested party'. They may recommend another councillor who may help.

If there are any doubts then please contact Anton Walden, Licensing Officer by e-mail anton.walden@canterbury.gov.uk

11. Exchange of Information

In holding and exchanging information with other bodies during the exercise of its functions under the Act the licensing authority will act in accordance with the provisions of the Act, the Data Protection principles as set out in the Data Protection Act 1998 and its duties under the Freedom of Information Act 2000.

The licensing authority will have regard to any Guidance issued by the Gambling Commission to local authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

12. Enforcement

The Kent & Medway Licensing Steering Group has formulated an enforcement protocol which each licensing authority and responsible authority has agreed.

The purpose of this protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both this Act and the Licensing Act 2003. It will underpin the mutual operational support required to tackle licensing issues. A copy of this can be requested from Anton Walden, Licensing Officer, by e-mail anton.walden@canterbury.gov.uk

In accordance with the Guidance the licensing authority will endeavor to avoid duplication with other regulatory regimes so far as possible.

The licensing authority will also, as recommended by the Guidance, utilize where necessary the risk-based inspection programme.

Licensing authorities are required by regulation 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.

The licensing authority's principles are that:

It will follow the Guidance and will endeavour to be -

- **Proportionate**

Regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimized.

- **Accountable**

Regulators must be able to justify decisions, and be subject to public scrutiny.

- **Consistent**

Rules and standards must be joined up and implemented fairly.

- **Transparent**

Regulators should be open, and keep regulations simple and user friendly.

- **Targeted**

Regulation should be focused on the problem, and minimise side effects.

The main enforcement role for the licensing authority in terms of the Act will be to ensure compliance with the Premises Licences and other permissions which it authorises.

The Commission will be the enforcement body for the operating and personal licences. The Gambling Commission will be responsible for compliance as regards unlicensed premises.

Anton Walden
Licensing Case Officer
January 2016

PART B – PERMITS

The Gambling Commission's Guidance for Licensing Authorities states the following. The paragraphs below endeavour to meet this request:

“The authority should set out in its statement what factors it may take into account when considering applications for premises licences, permits and other permissions and matters that it will consider relevant when determining whether to review a licence. This is where considerations such as the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children, should be detailed. Any such policy must, however, come with the qualification that each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, that will have to be taken into account.”

We have set out the following paragraphs to meet this requirement.

PERMITS

(i) Gaming Machine Permits for Unlicensed Family Entertainment Centre Statement of Principles on Permits – Schedule 10 Paragraph 7 of the Act

Where premises do not hold a premises licence but wish to provide gaming machines, an application may be made to the licensing authority for a gaming machine permit for an unlicensed Family Entertainment Centre.

The applicant must show that the premises will be wholly or mainly used for the use of gaming machines (Section 238).

A licensing authority may prepare a 'Statement of Principles' that they propose to consider in determining the suitability of an applicant for a permit. In preparing this statement, it need not (but may) have regard to the Licensing Objectives and shall have regard to any relevant guidance issued by the Commission in accordance with Section 25 of the Act.

It should be noted that a licensing authority cannot attach conditions to this type of permit and that the 'Statement of Principles' only applies to initial applications and not to renewals.

For initial applications, the licensing authority does not have to have regard to the Licensing Objectives but does need to have regard to any Commission guidance.

The Guidance states:

“ ... a licensing authority statement may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues.”

The Guidance also states 'An application for a Permit may be granted only if the licensing authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre (FEC), and if the Chief Officer of Police has been consulted on the application.

Unlicensed FECs, by definition, will not be subject to scrutiny by the Commission as no operating (or other) licences will be applied for and issued. Licensing Authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- the suitability of the premises in relation to their location and issues about disorder;
- that employees are trained to have a full understanding of the maximum stakes and prizes.

The licensing authority adopted a 'Statement of Principles' which is at Appendix 3.

With regard to renewals of these permits, a licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

**(ii) Gaming Machine Permits for Alcohol Licensed Premises
Schedule 13 Paragraph 4(1) of the Act**

Premises licensed to sell alcohol for consumption on the premises, are automatically entitled to have 2 gaming machines, of categories C and / or D.

The applicant needs to notify the licensing authority and pay the prescribed fee.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

If an applicant wishes to have more than two machines on the premises, he / she needs to apply for a permit and the licensing authority must consider that application 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.”*

The licensing authority considers that “such matters” will be decided on a case-by-case basis but that if any general themes arise it will endeavour to provide such examples of such in this Licensing Policy Statement by way of revision. Generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and the licensing authority will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Evidence of this may include compliance with the Gambling Commission’s Code of Practice.

Measures which will satisfy the authority 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.

Applications can be made for a premises licence under the Act for the non-alcohol licensed areas in some alcohol-licensed premises.

Any such application would probably need to be applied for, and dealt with, as an Adult Gaming Centre Premises Licence.

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

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 machines.

(iii) Prize Gaming Permits

Statement of Principles on Permits - Schedule 14 Paragraph 8(3) of the Act

The Gambling Act 2005 states that a licensing authority may prepare a 'Statement of Principles' that they propose to apply in exercising their functions under this Schedule which may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for Prize Gaming Permits (PGP).

The Guidance states: *"In their Licensing Authority Statement of Policy, licensing authorities should include a statement of principles that they propose to apply when exercising their functions in considering applications for permits. In particular, they may want to set out the matters that they will take into account in determining the suitability of the applicant. Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, licensing authorities will want to give weight to child protection issues. Licensing Authorities should ask the applicant to set out the types of gaming that he or she is intending to offer and the applicant should be able to demonstrate that:*

- *they understand the limits to stakes and prizes that are set out in Regulations;*
- *the gaming offered is within the law."*

This licensing authority has prepared a 'Statement of Principles' which is at Appendix 3.

In making its decision on an application for a PGP the licensing authority does not need to have regard to the Licensing Objectives but must have regard to any Commission Guidance.

There are conditions in the Act that the permit holder must comply with, but the licensing 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.

(iv) Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club

Gaming Permit (CGP) or a Clubs Gaming Machines Permit (CGMP). The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (three machines of categories B, C or D).

The Guidance states:

'Members' Clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is restricted to bridge and whist but there is no need for a club to have an alcohol licence.

The Licensing authority is aware 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".*

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under Schedule 12 Paragraph 10 of the Licensing Act 2003.

The Guidance states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed by regulations under Section 266 of the Act;*
- (b) that 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."*

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

PART C

PREMISES LICENCES

(i) Decision Making – General:

Premises licences will be subject to the requirements set out in the Act and any regulations made under the Act, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

In making decisions about Premises Licences the Licensing Authority will 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 Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the authority's Statement of Licensing Policy.

As regards licence conditions, the Guidance for Local Authorities states that conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions are:

- 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.

Decisions upon individual conditions will be made on a case-by-case basis, although this will be against the background of the general policy set out in the Commission guidance or the Licensing Authority's Statement of Policy.

The licensing authority is in agreement with these statements by the Gambling Commission.

The licensing authority will consider a number of measures should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below.

The licensing authority will also expect the licence applicant to offer his / her own suggestions as to ways in which the Licensing Objectives can be met effectively.

The licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These measures are all in accordance with the Guidance.

The authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other

- than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

Tracks are sites (including horse racecourses and dog tracks) where races or other such sporting events take place. The licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In line with the Guidance, the licensing 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.

There are some conditions that the licensing authority cannot attach to premises licences. These 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.

The Gambling Commission has also emphasised to local authorities, that ‘demand’ cannot be a factor in decisions.

(ii) Premises

“*Premises*” is defined in the Act as “*any place*”. It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises taking into consideration Guidance issued by the Gambling Commission.

The licensing authority takes particular note of the Gambling Commission’s Guidance for Local Authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, licensing authorities “*should be aware of the following*”:

- *the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating;*
- *entrances to and exits from parts of a building covered by one or more Premises Licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it should*

normally be possible to access the premises without going through another licensed premises or premises with a permit.

- *Customers should be able to participate in the activity named on the premises licence”.*

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Commission has advised that references to ‘the premises’ are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Commission emphasises that requiring the building to be complete ensures that the Authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

(iii) Location

The licensing authority is aware that the factor of demand cannot be considered with regard to the location of premises but that considerations in terms of the Licensing Objectives can. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors.

The authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon relating to areas where gambling premises should not be located, this statement will be updated.

The Commission also states in its Guidance: “... *for example, a licensing authority statement of policy could and should, set out the general principles that the licensing authority will apply when determining whether the location of proposed gambling premises is acceptable (with or without conditions) in light of the licensing objectives. For example, a licensing authority statement of policy might set out that the authority will consider very carefully whether applications for premises licence in respect of certain gambling premises located very close to a school, or a centre for gambling addicts should be granted in light of the third licensing objective. Any such policy must, however, come with the qualification that each case will be decided on its merits, and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will have to be taken into account.*” The Licensing Authority will adhere to this advice.

Any such policy will not preclude any application being made. Each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(iv) Planning

Planning and licensing are different regulatory systems and will be dealt with separately.

The Guidance states: “*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 2005 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.”

In considering a licence application, the authority will not consider whether is likely to be awarded planning permission or building regulations approval.

It will, though, listen to, and consider carefully, any concerns about conditions which licensees may not be able to meet because of planning restrictions.

(v) Duplication

The licensing authority will seek to avoid duplication with other regulatory regimes so far as possible.

(vi) Door Supervisors

The Commission advises in its Guidance that licensing authorities may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

The Private Security Industry Act 2001 exempts door supervisors for casinos or bingo premises from registration with the Security Industry Authority (SIA). The licensing authority therefore has specific requirements for Door Supervisors working at casinos or bingo premises which are that they provide a CRB check with no relevant current convictions. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

However where a casino or bingo premises are licensed under the Licensing Act 2003 door supervisors employed are required to be licensed under the PSI Act 2001 to enable them to perform their functions under that Act.

For premises other than casinos and bingo premises, the licensing authority would expect supervision of entrances / machines where the authority is satisfied of such a need in particular cases and that in general any person carrying out these functions will be SIA Licensed.

(vii) Licensing Objectives

The licensing authority has considered the Guidance to Local Authorities and some comments are provided with regard to the Licensing Objectives.

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

The Guidance 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.”* The licensing authority agrees with this statement.

The licensing authority is aware that the Commission will be taking a leading role in preventing gambling from being a source of crime. The Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this

Licensing Objective. Thus, where an area has known high levels of organised crime the authority will consider carefully whether it is a suitable location for gambling premises and whether conditions such as the provision of door supervisors may be suitable. The licensing authority is aware of the distinction between disorder and nuisance and in its enforcement role will consider relevant factors in making that distinction. Issues of nuisance cannot be addressed via the provisions of the Act.

Ensuring that gambling is conducted in a fair and open way

In its Guidance the Commission states that it ‘would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the 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 and therefore subject to the personal licence.’

However ... ‘In relation to the licensing of tracks the licensing authorities’ role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.’

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

The Guidance states that this objective means preventing children from taking part in gambling or being in close proximity to gambling (as well as restricting advertising so that gambling products are not aimed at or particularly attractive to children).

The licensing authority has also noted that Guidance states *“Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations need to be balanced against the authority’s objective to aim to permit the use of premises for gambling.”* Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

The licensing authority will also make itself aware of the Codes of Practice which the Commission issues as regards this Licensing Objective, in relation to specific premises such as casinos.

As regards the term ‘vulnerable persons’ it is noted that the Commission is not seeking to offer a definition but states that:

“it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.”

The licensing authority will consider the objective on a case-by-case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

The licensing authority will pay particular attention to any Codes of Practice, which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. It is understood that a Code for Casinos must:

- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino do not enter the gambling area;

- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person (*“the supervisor”*) who is responsible for compliance with the code of practice; and
- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

(viii) Reviews

Interested parties or responsible authorities can make requests for a review of a premises licence however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant Code of Practice issued by the Commission;
- it is in accordance with any relevant guidance issued by the Commission;
- it is reasonably consistent with the Licensing Objectives; and
- it is in accordance with the authority’s Statement of Licensing Policy.

As well as consideration as to whether the request is frivolous, vexatious, or will certainly not cause the authority to wish to alter / revoke / suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

(ix) Provisional Statements

The licensing authority notes that the Guidance states:

“As the Court has held in a 2008 case, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide 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; second, in deciding whether or not to grant the application a licensing authority will need to consider if 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. An 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.”

In terms of representations about Premises Licence applications, following the grant of a Provisional Statement, the Guidance states: *“If a provisional statement has been granted, the licensing authority is constrained in the matters it can consider when an application for a premises licence is made subsequently in relation to the same premises. No further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:*

- (a) which could not have been raised by objectors at the provisional licence stage; or*
- (b) which, in the authority’s opinion, reflect a change in the operator’s circumstances*

- (c) *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 licensing authorities should discuss any concerns they have with the applicant before making a decision”.*

The authority also has noted in the Guidance that “A licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”

(x) Adult Gaming Centres

The licensing authority particularly notes that the Guidance states: “No-one under the age of 18 is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimize the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised, for example, where an AGC is in a complex, such as a shopping centre or airport.”

The licensing authority will expect applicants to offer their own measures to meet the Licensing Objectives. Appropriate measures may cover issues 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-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

(xi) (Licensed) Family Entertainment Centres

The Act creates two classes of Family Entertainment Centre (FEC) – licensed and unlicensed. Licensed FECs may provide category C and D gaming machines and require a Premises Licence. Unlicensed FECs may only provide category D machines and are regulated by FEC Gaming Machine Permits.

In dealing with applications for Licensed FECs the licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It 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.

The licensing authority will expect applicants to offer their own measures to meet the Licensing Objectives. Appropriate measures may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises.

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

The licensing authority will refer to the Commission's website to check for any conditions that apply to Operator Licences covering the way in which the area within the Premises and containing the category C machines should be delineated.

The licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

(xii) Tracks

There are no "tracks" licensed in the Canterbury City Council area.

"Tracks" are sites (including horse racecourses and dog tracks) where races or other such sporting events take place. This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We will take note of the Guidance issued by the Gambling Commission in this regard.

The licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The licensing authority will especially consider the impact upon the third licensing objective (ie 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.

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

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions may cover issues 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-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

Gaming machines

The licensing authority is required to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, these machines are located in areas from which children are excluded.

Some tracks will also qualify for an alcohol licence and as such will be automatically entitled to two gaming machines, category C or D in accordance with Section 282 of the Act. If a Track premises licence holder has both an alcohol licence and a pool betting operating licence, then there will be entitlement to six gaming machines. NB Each licence has its own requirements that must be complied with.

Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines

The Licensing Authority is aware that, as explained in Guidance for local authorities: *“Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in these premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of employees to monitor the use of the machines by vulnerable people.”*

Credit

Guidance for local authorities states that:- *“section 177 does not prevent the licensee from contracting a third-party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.”*

Condition on rules being displayed

The licensing authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

(xiii) Bingo

The licensing authority notes that the Guidance states:

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

Where category C or above machines are available in premises to which children are admitted The licensing authority should ensure that:

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

The licensing authority is aware and will take notice of the Guidance issued by the Gambling Commission in relation to bingo.

(xiv) Temporary Use Notices (TUN)

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a licensed gambling operator wishes to use the premises temporarily for providing facilities for gambling.

There are a number of statutory limits as regards temporary use notices.

The Guidance states that:

Section 218 of the Act states that a set of premises may not be the subject of a temporary use notification for more than 21 days in any one 12 month period. As with the definition of premises in the Act and the Guidance, the definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice that is given.

In considering whether a place falls within the definition of 'a set of premises', the licensing authority will need to look at, amongst other things, the ownership / occupation and control of the premises. For example, a large exhibition centre with many exhibition halls is probably one set of premises as it is properly one premise. It should not properly be given a temporary use notice for 21 days for each of its halls. A shopping mall with individual separate businesses, however, may be made up of separate sets of premises.

The licensing authority will consider whether it wishes to object to notices where it appears that their effect might be to permit regular gambling in a place that could be described as one set of premises.

(xv) Occasional Use Notices (OUN)

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The licensing authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him / herself of the notice.

(xvi) Travelling fairs

It will fall to the licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

The 27 day statutory maximum for the land being used as a fair is per calendar year. The period applies to the piece of land on which the fair is held, regardless of whether it is the same or different travelling fairs who occupy the land. The licensing authority will work with its neighbouring authorities to ensure that land with shared boundaries with another authority, is monitored so that the statutory limits are not exceeded.

(xvii) Betting premises and betting machines

The Guidance states: *“Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in these premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of employees to monitor the use of the machines by vulnerable people.”*

Credit

The Gambling Commission Guidance states: *“section 177 does not prevent the licensee from contracting a third-party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.”*

Information exchange

It should be noted that there are sections of the Gambling Commission’s Guidance for local authorities which relate to Information Exchange.

The sections are:

- *“As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of an applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay”.*
- *“Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. (Although if there are persistent or serious disorder problems that an operator could or should do more to prevent,*

the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.)”.

- *“If it comes to the attention of licensing authorities that Alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes and that makes it possible that the £2,000 in seven days is being exceeded, authorities should inform the Commission.”*

COMMISSION FUNCTIONS

Function	Who deals with it
Issue and renewal of Operating Licences	Commission
Review Operating Licences	Commission
Issue Personal Licences	Commission
Issue Codes of Practice	Commission
Issue Guidance to Licensing Authorities	Commission
Licence remote gambling through Operating Licences	Commission
Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines	Commission
Deal with appeals against Commission decisions	Gambling Appeals Tribunal

Appendix 1

PUBLICATION

- All persons reading the Kentish Gazette published in the Canterbury District on 03 and 10 December 2015
- Canterbury City Council website
- Canterbury City Council Offices, Reception
- Libraries in the district

LIST OF AUTHORITIES / PERSONS CONSULTED

- Gambling Commission
- Responsible Authorities:
 - Chief Officer of Police
 - Licensing Authority Enforcement
 - Local Planning Authority
 - Environmental Protection
 - Health & Safety
 - Fire Safety
 - HM Revenue & Customs
 - Kent Safeguarding Children Board
- Interested party likely to be affected by the exercise of the authority's function under the Act
- Any person accessing the council's web site
- All individuals and organizations licensed by Canterbury City Council under the Gambling Act 2005
- Any person requesting a copy

This list is not exhaustive.

RESPONSES

- Canterbury City Council Enforcement Team – no comment
- Police – no comment
- Association of British Bookmakers represented by Gosschalks, solicitors
- Leslie MacLeod-Miller, licensing lawyer
- Coral Racing Limited

Appendix 2

RESPONSIBLE AUTHORITIES CONTACT DETAILS

Licensing Authority
Canterbury City Council
Military Road
Canterbury
CT1 1YW

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Chief Officer of Police
Canterbury Police Station
Old Dover Road
Canterbury
CT1 3JQ

Kent Fire & Rescue Service
Canterbury Fire Safety Office
Upper Bridge Street
Canterbury
CT1 2NH

Planning Department
Council Offices
Military Road
Canterbury
CT1 1YW

Environmental Protection Department
Council Offices
Military Road
Canterbury
CT1 1YW

Health & Safety Enforcement Officer
Council Offices
Military Road
Canterbury
CT1 1YW

Child Protection Service
Kent Social Services
Brenchley House
County Hall
Maidstone
ME14 1RF

HM Revenue and Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G4 2PZ

Appendix 3

STATEMENT OF PRINCIPLES

Unlicensed Family Entertainment Centres, Gaming Machine Permits and Prize Gaming Permits

Contents

1. The Gambling Act 2005
2. Purpose of this document
3. Unlicensed Family Entertainment Centres (UFECs)
4. Prize Gaming Permits
5. Statement of Principles for UFEC Gaming Machine Permits and Prize Gaming Permits
6. Child protection issues
7. Protection of vulnerable persons issues
8. Other miscellaneous issues

1. The Gambling Act 2005

Unless otherwise stated any references in this document to the council is to the Canterbury City Council as the licensing authority.

The Act requires the council, as the licensing authority, to aim to permit the use of premises for gambling in so far as the authority thinks it:

- in accordance with a relevant code of practice
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the Licensing Authority Policy issued under 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

2. Purpose of this document

This document has been prepared to assist persons considering making an application for either an Unlicensed Family Entertainment Centre (UFEC) gaming machine permit or prize gaming under the Gambling Act 2005.

Canterbury City Council fully endorses the Licensing Objectives detailed above and expects all applicants to work in partnership to promote these objectives through clear and effective management of each gambling operation whether in respect of a permit or premises licence.

In respect of UFEC gaming machine permits it has been prepared in accordance with Paragraph 7 of Schedule 10 of the Act and in respect of prize gaming permits it has been prepared in accordance with paragraph 8 of Schedule 14 of the Act. The document should be read in conjunction with Canterbury City Council's 'Gambling Act 2005 - Statement of Licensing Policy and Principles'.

The purpose of the document is to clarify measures that the Council will expect applicants to demonstrate when applying for either of these permits so the Council can determine the suitability of the applicant and the premises for a permit.

Within this process the Council will aim to grant the permit where the applicant is able to demonstrate that:

- they are a fit and proper person to hold the permit
- they have considered and are proposing suitable measures to promote the Licensing Objectives and they have a legal right to occupy the premises to which the permit is sought.

The measures suggested in this document should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

3. Unlicensed Family Entertainment Centres

The term 'Unlicensed Family Entertainment Centre' is one defined in the Act and refers to a premises which provides category D gaming machines together with various other amusements such as computer games and "penny-pushers".

The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a 'Licensed Family Entertainment Centre' that does require a premises licence because it contains both category C and D gaming machines.

Unlicensed Family Entertainment Centres (UFECs) will be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. The Council will only grant a UFEC gaming machine permit where it is satisfied that the premises will be operated as a bona fide Unlicensed Family Entertainment Centre.

In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this 'Statement of Principles' have been addressed through the application.

Applicants only need to address the 'Statement of Principles' when making their initial applications and not at renewal time. Permits are granted for a period of 10 years.

4. Prize gaming permits

Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where bingo is offered and the prizes are displayed.

A prize gaming permit is a permit issued by the council to authorise the provision of facilities for gaming with prizes on specified premises.

Applicants should be aware of the conditions in the Gambling Act 2005 by which prize gaming permits holders must comply. 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.

In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this 'Statement of Principles' have been addressed through the application.

Applicants only need to address the 'Statement of Principles' when making their initial applications and not at renewal time. Permits are granted for a period of 10 years.

5. Statement of Principles for UFEC Gaming Machine Permits and Prize Gaming Permits

Supporting documents

The council will require the following supporting documents to be served with all UFEC gaming machine permit and prize gaming permit applications:

- proof of age (a certified copy or sight of an original birth certificate, driving licence, or passport – all applicants for these permits must be aged 18 or over)
- proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
- an enhanced criminal record certificate (this should be no greater than one month old) will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).

In the case of applications for a UFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling operator who holds a valid gaming machine technical operating licence issued by the Gambling Commission a plan of the premises to which the permit is sought showing the following items:

- the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways where any category D gaming machines are positioned and the particular type of machines to be provided (eg slot machines, penny falls, cranes)
- the location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
- the positioning and types of any other amusement machines on the premises
- the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area the location of any ATM / cash machines or change machines the location of any fixed or temporary structures such as columns or pillars
- the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- the location of any public toilets in the building.

Unless agreed with the council, the plan should be drawn to a standard scale with a key showing the items mentioned above; the standard scale is 1:100.

6. Child protection issues

The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- maintain contact details for any local schools and or the education authority so that any truant children can be reported
- employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
- display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets
- maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises (the register should be used to detect any trends which require attention by the management of the premises)
- ensure all young children are accompanied by a responsible adult
- maintain policies to deal with any young children who enter the premises unaccompanied
- enhanced criminal records checks for all staff who will be working closely with children.

NB: Any supporting evidence of the above measures eg training manuals or other similar documents / written statements should be attached to the application.

7. Protection of vulnerable persons

The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons.

The council will assess these policies and procedures on their merits, however they may (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- display Gamcare helpline stickers on all gaming machines
- display Gamcare posters in prominent locations on the premises
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much and how long customers are gambling, as part of measures to detect persons who may be vulnerable
- consider appropriate positioning of ATM and change machines (including the display of Gamcare stickers on any such machines).

NB: Any supporting evidence of the above measures eg training manuals or other similar documents / written statements should be attached to the application.

8. Other miscellaneous provisions

The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimize crime and disorder and the possibility of public nuisance as follows:

- maintain an effective CCTV system to monitor the interior and exterior of the premises
- keep the interior and exterior of the premises clean and tidy
- ensure the external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring and adjoining premises
- consider the design and layout of the outside of the premises to deter the congregation of children and youths
- restrict normal opening hours to 08.45 to midnight daily
- not permit any person who is drunk and disorderly or under the influence of drugs, to enter or remain on the premises
- take such steps as are reasonably practicable to eliminate the escape of noise from the premises

- ensure, where possible the external doors to the premises remain closed, except when in use, by fitting them with a device for automatic closure or by similar means
- ensure that the premises are under the supervision of at least one responsible, adequately trained person at all times the premises are open.

NB: Any supporting evidence of the above measures, eg training manuals or other similar documents / written statements should be attached to the application.

Applicants may obtain an enhanced Criminal Records Bureau disclosure on application to Disclosure Scotland on 0870 609 6006 or on line www.disclosurescotland.co.uk

Appendix 4

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE OF LICENSING COMMITTEE	OFFICERS
Final approval of three year Licensing Policy	X		
Policy not to permit casinos	X		
Fee Setting (when appropriate)	X		
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 or responsible authorities	Where no representations received from the Commission or responsible authorities
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		X	
Application for Club Gaming / Club Machine Permits		Where objections have been made and not withdrawn	Where no objections made / objections have been withdrawn
Cancellation of Club Gaming / Club Machine Permits		X	
Applications for other Permits			X
Cancellation of Licensed Premises Gaming Machine Permits			X
Consideration of Temporary Use Notice			X
Decision to give a counter notice to a Temporary Use Notice		X	

Appendix 5

SUMMARY OF GAMING MACHINES BY PREMISES

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D. (except B3A machines).						
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises in category B3 or B4**			No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises in category B3 or B4**			No limit on category C or D machines	
Family entertainment centre (with premises licence)							No limit on category C or D machines	
Family entertainment centre (with permit)								No limit on category D machines
Clubs or miners' welfare institute (with permits)				Maximum of 3 machines in categories B3A or B4 to D*				
Qualifying alcohol-licensed premises							1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with gaming machine permit)							Number of category C D machines as specified on permit	
Travelling fair								No limit on category D machines
	A	B1	B2	B3	B3A	B4	C	D

* It should be noted the Member's Clubs and Miners' Welfare Institutes are entitled to site a total of 3 machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial Clubs are entitled to a total of 3 machines in categories B4 to D.

**Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13th July 2011 are entitled to make available 4 (adult gaming centre premises) or 8 (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13th July 2011 but before 1st April 2014 are entitled to a maximum of 4 or 8 category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1st April 2014 these premises will be entitled to 20% of the total number of gaming machines only, but not B3A machines.

Appendix 6

SUMMARY OF STAKES AND PRIZES

The new stake and prize limits by category of machine as of today are as follows:

Category	Maximum stake	Maximum prize
B1	£5	£10,000*
B2**	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D non-money prize (not crane grab)	30p	£8
D non-money prize (crane grab)	£1	£50
D money prize	10p	£5
D combined money and non-money prize (coin pusher/penny falls)	20p	£20 (of which no more than £10 may be a money prize)
D combined money and non-money prize (other than coin pusher or penny falls)	10p	£8 (of which no more than £5 may be a money prize)

* with option of maximum £20,000 linked progressive jackpot on premises basis only.

** Government considers the future of these machines to be unresolved pending further work which is already underway.

Anton Walden
Licensing Officer
January 2016

To find out more

If you have any questions, or would like more information about the Gambling Policy, please e-mail **business.support@canterbury.gov.uk**

You can also get this information in other formats, including Braille, large print, audio tape and other languages. Please phone the **Customer Services Team** on **01227 862 000**.

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