



## Licensing Committee

Members of the **Licensing Committee** of **Gravesham Borough Council** are summoned to attend a meeting to be held at the Civic Centre, Gravesend, Kent on **Monday, 13 September 2021 at 7.30 pm** when the business specified in the following agenda is proposed to be transacted.

S Walsh  
Service Manager (Communities)

### Agenda

#### Part A

#### Items likely to be considered in Public

1. Apologies for absence
2. To sign the minutes of the previous meeting (Pages 3 - 8)
3. To declare any interests members may have in the items contained on this agenda. When declaring an interest a member must state what their interest is.
4. To consider whether any items in Part A of the agenda should be considered in private or the items in Part B in public.
5. Review of Gambling Policy 2022-2025 (Pages 9 - 46)
6. Any Other Business which by reason of special circumstances the Chair is of the opinion should be considered as a matter of urgency.
7. Exclusion of the Public

To move, if required, that pursuant to Section 100A(4) of the Local Government Act 1972 that the public be excluded from any items included in Part B of the agenda because it is likely in view of the nature of business to be transacted that if members of the public are present during those items, there would be disclosure to them of exempt

information as defined in Part 1 of Schedule 12A of the Act.

## **Part B**

### **Items likely to be considered in private**

None.

#### **Members**

Cllr Steve Thompson (Chair)  
Cllr Jenny Wallace (Vice-Chair)

Councillors:       Derek Ashenden  
                          Helen Ashenden  
                          John Caller  
                          Emma Elliott  
                          Brian Francis  
                          Baljit Hayre  
                          Leslie Hoskins  
                          Jordan Meade  
                          Leslie Pearton  
                          Tony Rana  
                          Denise Tiran  
                          Frank Wardle

Substitutes:        To be notified

**Licensing Committee****Monday, 14 September 2020****7.30 pm****Present:**

Cllr Steve Thompson (Chair)  
Cllr Jenny Wallace (Vice-Chair)

Councillors:       Derek Ashenden  
                          Helen Ashenden  
                          Gurdip Ram Bungar  
                          Brian Francis  
                          Baljit Hayre  
                          Leslie Hoskins  
                          Lyn Milner  
                          Leslie Pearton  
                          Tony Rana  
                          Denise Tiran  
                          Frank Wardle  
                          Jordan Meade

Mark Lees           Regulatory Services Manager  
Dave Herrington   Digital Manager  
Lauren Wallis      Committee Services Officer (minutes)

**1. Apologies for absence**

An apology for absence was received from Cllr Emma Elliott and Cllr Jordan Meade attended as her substitute.

**2. To sign the minutes of the previous meeting**

The minutes of the meeting held on 5 November 2019 were signed by the Chair.

**3. To declare any interests members may have in the items contained on this agenda. When declaring an interest a member must state what their interest is.**

No declarations of interest were made.

**4. Licensing Support during the Covid-19 Pandemic**

The Regulatory Services Manager gave an update on how the Council had supported licence holders during the pandemic and how compliance had been and would be monitored. The following points from the report were highlighted:

- Soon after lockdown the Institute of Licensing published the first version of its Protocol for Licence Applications and Hearing under the Licensing Act 2003 During the Covid-19 Pandemic and the report set out the intentions of this document.

- Despite the challenges of lockdown and the constant stream of change and uncertainty, the Licensing Team had adapted quickly in order to continue to operate the Council's licensing functions within the existing statutory timescales.
- Staff had had to work from home and had been issued laptops with full access to all relevant systems. Because staff had not been present in the office, all incoming calls had been taken and managed by Customer Services as far as possible, including signposting to relevant parts of the GBC website, with messages being emailed to Licensing officers to respond accordingly.
- Arrangements were made for post to be collected, scanned and then processed remotely.
- Taxi and private hire vehicles were emailed temporary exemptions from displaying current plates/badges and drivers were asked to continue to display their old plates/badges alongside the temporary exemption and asked to keep the letter with them at all times.

It was noted that given the efforts made by the team, Gravesham's licence holders were highly unlikely to have observed any reduction in licensing service provided by the Council during lockdown.

The team had also pushed ahead with the digital offering with the expert help of the Digital Team. Online forms, developed over the years, had been consolidated into an improved online service which included payment facilities, online application forms for licences, notices and other functions such as the ability to change personal details. This had become an invaluable tool for officers and clients who were able to access these services from home during lockdown. Members noted that the number of applications for licences had not reduced during lockdown and statutory timescales had been met throughout.

Partnership working was also highlighted including the work undertaken by the Council's Environmental Services Commercial Team after routine food hygiene inspections were halted by the Food Standards Agency (FSA) during lockdown. The Licensing Team had also worked closely with the Police, Trading Standards and other teams in the Council to ensure continuity of service and support for businesses in Gravesham during the pandemic. All businesses in the Borough had been contacted via email by the Team in advance of re-opening which had worked very well.

The Regulatory Services Manager also gave details of the next steps for the team following the easing of lockdown which included:

- Issuing full licences to those currently issued with a temporary licence or missing the accompanying badge or plate.
- Managing the collection of deferred fees.
- Processing any outstanding licence renewal requirements.
- Whilst visits currently continued to be mainly reactive and intelligence led, targeted and joined-up monitoring was and will continue to be undertaken where the need arises.
- The high level of service provision would continue to be provided by the team and in addition, the continuation of investigating new and innovative ways to improve the service.

On behalf of the Committee, the Chair thanked the Regulatory Services Manager and the Licensing Team for all their hard work in a rapidly changing landscape. The Committee echoed the Chair's sentiments during which the Digital Team and the Committee Section

were also thanked for all their efforts in the enhancement of the digital offering and the smooth management of the remote meetings of the Council. In addition, the meetings of the Licensing Panels were mentioned including the professionalism of the Team and advice and impartiality which could sometimes be a difficult line to walk.

The Chair of the Overview & Scrutiny Committee requested that he be kept abreast of any developments and detail in relation to Licensing.

The Chair advised that he had attended a meeting of the Licensed Victuallers' Association and the main concern that had been expressed was the wish to see a level playing field and he was asked what to do with regard to premises not abiding by Covid-19 rules. The officer advised that Members and others should contact the Commercial Team at [commercialhealth.admin@gravesham.gov.uk](mailto:commercialhealth.admin@gravesham.gov.uk) as the Team would respond with advice and connect with partners and other agencies with regard to enforcement.

The following points were raised during discussion on this item:

- Following a question of the adverse impact of the Council on the potential reduction in licensing fee income, Members were advised that it was a little premature to know the full extent of any impacts. However, since the beginning of April six premises had surrendered their licences and there were approximately 300 premises and 30 clubs in the Borough so overall this was a low, although very regrettable, percentage loss. It was noted that the statutory fee set by Government was, on average, £180 per annum per premises so the loss to the Council had not been substantial.
- A question was raised on the timescales pre and post Covid-19 with regard to processing temporary event notice and other licences and the Committee was informed that the processing timescales had not changed before, during or following lockdown. The new digital processes meant Temporary Event Notices were responded to instantly and other response and processing timelines continued to be met.
- It was noted that some pubs and (social) clubs continued to allow customers to stand shoulder to shoulder. The officer reiterated that inspections were being undertaken primarily in response to intelligence passed to the Commercial Team ([commercialhealth.admin@gravesham.gov.uk](mailto:commercialhealth.admin@gravesham.gov.uk)) as this was a Health & Safety issue. Food hygiene inspections had resumed during which premises were checked for Covid-19 safety. Members were assured that, whilst it was not possible to monitor premises on a day to day basis, officers were quick to react and to work with partners should issues arise.
- Following a question from the Chair, the officer confirmed that no extra funding had been received from the Government that he was aware of to assist with the additional work for Regulatory Service, within which the Licensing Team sit, arising from the Covid-19 pandemic.
- Members were advised that the team had recently returned to office working on a rota basis to enable social distancing to be practised in the limited space available. The Regulatory Services Manager noted there had been ups and downs during and after lockdown with a steep learning curve throughout. However, the team had provided an excellent response to new regulations and legislation. The officer confirmed that all was well with himself and with the team.
- Home working and the potential for possible mental health issues was raised.

**Resolved that the report be noted.**

## 5. Licensing Panel Hearings

The report gave an update on Licensing Panel hearings that have taken place since the last Licensing Committee meeting held on 5 November 2019. The Chair thanked the Licensing team, the police and others for enabling Panels to take place. In addition, he reminded Members that there would be meetings of the Licensing Panel on Monday, 21 and Tuesday, 22 September 2020.

**Resolved that the report be noted.**

## 6. Pavement Licences and Off-Sales of Alcohol - Business and Planning Act 2020

The Regulatory Services Manager advised Members on the provisions of the Business and Planning Act 2020 relating to pavement licences and associated off-sales of alcohol and noted that the regime would be managed by the Licensing Team. The Government had introduced the Bill as part of measures to promote economic growth in the hospitality sector following the pandemic. The effect of the legislation was to fast-track the process until September 2021 when it would return to being the responsibility of the County Council as it was previously. It had been extremely onerous to introduce a completely new regime within 4 weeks but it had been successfully achieved.

The Committee's attention was drawn to an associated amendment to the Licensing Act 2003 to allow premises with a licence authorising 'on-sales' only (sales of alcohol for consumption on the premises) to automatically have 'off-sales' added to their licence.

In conclusion, the Regulatory Services Manager advised that the report was in accordance with the Council's Constitution and therefore the Planning Committee had delegated authority to the Director (Communities) and the process would be managed by the Licensing team.

The following points were raised during discussion on this item:

- Concern was raised on the lack of appeals process and the officer explained that there was a fast-track review process. It was possible to review the license as a whole which would depend on the available evidence. However if the issue only related of off-sales, then only that element would be reviewed.
- It was noted that the new pavement licenses would help the economy and create a friendlier atmosphere in the area and any problems would be reported to the Council. The Chair noted that it had taken 15 years for the Licensing Act 2003 to encourage the continental approach to the use of pavements.
- Questions were raised with regard to the following:
  - The placement of furniture in front of premises and Members were advised that licence holders were only permitted to use the area directly in front of their premises and needed the consent of neighbours to encroach. Furniture or any boundary fences were not permitted within 1.5 metres of the highway which expanded to 2 metres on busy pedestrian thoroughfares and highways and would not be permitted near, for example, zebra crossings, bus stops etc.
  - With regard to the use of outdoor heaters, the Committee was informed that there were conditions on the type of heaters that were permitted and this did not

include gas heaters but did include electric heaters. However, should an issue arise with any type of heater then this could change.

- The officer confirmed that only a handful of pavement licence applications had been received by the Council and that given the seasons changing it was possible there would be more come the Spring.
- The concern of the Gravesham Access Group was reported in relation to blind and partially sighted people and wheelchair users being put at risk by street furniture. The officer provided an overview of the conditions that are applied to pavement licensing, in respect of such matters as continuous tapping rails, disability compliant barriers and high colour contrasting, for, example, for equality purposes. However, he acknowledged that things were not perfect but could be adjusted when necessary and the Council had the powers to enforce.
- Following a question with regard to smoking and non-smoking areas, the Regulatory Services Manager agreed to email the relevant information to members of the Committee.

**Resolved that the report be noted.**

#### **Close of meeting**

The meeting ended at 8.31 pm

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**Classification:** Public

**Key Decision:** No

### **Gravesham Borough Council**

**Report to:** Licensing Committee

**Date:** 13 September 2021

**Reporting officer:** Emily Lane-Blackwell, Senior Licensing Officer

**Subject:** Review of Statement of Licensing Policy under the Gambling Act 2005

#### **Purpose and summary of report:**

To present members with a draft of the revised statement of licensing policy under the Gambling Act 2005 and the proposed consultation methodology.

#### **Recommendations:**

1. Members to consider the draft policy for consultation and advise on relevant amendments.
2. Members to note the policy consultation process as outlined and instruct officer to process with the same

## **1. Background**

- 1.1 Section 349 of the Gambling Act 2005 requires a Licensing Authority to prepare and publish a Statement of its Licensing Policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2005 Act. The Gambling Policy is required to comply with extensive national guidance and any departures must be supported by evidence justifying a different policy approach.
- 1.2 The current Statement of Licensing Policy under the Gambling Act 2005 was approved by Council on 18 December 2018.
- 1.3 The existing policy was developed in close conjunction with all other licensing authorities and responsible authorities in Kent via the mechanism of the Kent and Medway Regulatory Licensing Steering Group.
- 1.4 The aim of the county wide approach was two-fold. Firstly, to promote consistency to the benefit of licensees, businesses, residents and to regulatory services having a Kent-wide remit. Secondly to minimise risk of judicial review of individual policies.
- 1.5 The existing Gambling Policy will expire on 30 January 2022. It is a requirement of the Act, that a revised policy is published at least 4 weeks prior to it coming into

force. The proposed draft policy shown as Appendix 2 will therefore be required to be adopted by Full Council on 7 December 2021, be published by 3 January 2022 and commence on 31 January 2022.

## **2. Proposed Revisions**

- 2.1 In drafting the revised Gambling Policy, due regard has been taken to the current edition of the statutory 'Guidance to Licensing Authorities' (GLA) issued to local authorities by the Gambling Commission. The draft policy can be found as Appendix 2 to this report.
- 2.2 The majority of proposed changes made to the revised Gambling Policy are of a minor or administrative nature to reflect changes in the wording of the GLA or for the sake of greater clarity/accuracy.
- 2.3 We have added a section to the policy in relation to Small Society Lottery Registrations, which clarifies the process we would take should a registration be refused or cancelled. This can be found under Appendix 3 of the policy.

## **3. Review of Policy**

- 3.1 It is proposed that the revised policy will come into effect on 31 January 2022 and remain valid for a period of three years, until 30 January 2025, unless it becomes necessary to make further revisions beforehand following changes to legislation, statutory guidance or local circumstances, for example.

## **4. No Casinos Resolution**

- 4.1 Section 166 of the Gambling Act 2005 allows a licensing authority to resolve not to issue casino premises licences within its boundaries. This decision is a function of Full Council. At its meeting of 18 December 2018, Full Council decided to approve a 'no-casinos' resolution.
- 4.2 The adoption of a no-casinos resolution requires ratification every three years so that it can be included in the current policy.
- 4.3 Specific mention regarding whether or not to adopt a 'no-casinos' resolution has been made within section 8 of the draft policy and the consultation advertisement will draw attention to this particular point.
- 4.4 It is recommended that Members renew the council's no-casinos resolution for a further three-year period.

## **5. Consultation**

- 5.1 Before determining its policy for any three-year period the Licensing Authority must consult the persons listed in section 349(3) of the 2005 Act. These are:
  - 5.1.1 The Chief Officer of Police
  - 5.1.2 One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the borough
  - 5.1.3 One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act

- 5.2 The Statutory Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Statement of Policy. It is however a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with.
- 5.3 In accordance with good practice, and previous Statement of Policy consultations, it is therefore proposed to consult with:
- All Ward Councillors
  - Parish Councils
  - All bodies designated under s.157 of the Act as Responsible Authorities
  - Kent County Council Trading Standards
  - Association of British Bookmakers
  - National Casino Forum
  - British Amusement Catering Trade Association
  - Bingo Association
  - The British Horseracing Authority Limited
  - The Greyhound Board of Great Britain
  - Dartford, Gravesham and Swanley Clinical Commissioning Group
  - The Grand
  - Citizens Advice Bureau
  - British Beer and Pub Association
  - British Institute of Innkeeping
  - Gamcare
  - Gambleaware
  - Samaritans
  - Gordon Moody Association
  - B Smith
  - Coral
  - Ladbrokes
  - Power Leisure Bookmakers Ltd (Paddy Power)
  - Betfred
  - Luxury Leisure
  - Megabet UK Ltd
  - Luxury Leisure
  - Federation of Licensed Victuallers Association
  - Gravesham Street Pastors
  - The General Public
- 5.4 The Gambling Act 2005 (Licensing Authority Policy Statement) Regulations 2006 states: 'The statement or revision must be published by being made available for a period of at least 4 weeks before the date of which it will come into effect.'
- 5.5 A 4-week consultation is proposed, commencing no later than 14 September 2021. Methods of consultation will be via the council's website and notice board, and by direct email and mail shots.
- 5.6 All incoming responses will be collated and entered onto a grid for consideration.
- 5.7 The Senior Licensing Officer will conduct an evaluation of each response and give a recommendation, in consultation with other officers, as to whether or not to amend the policy statement and, if so, to what extent.

- 5.8 The grid and recommendations will be brought back to the Licensing Committee when it reconvenes on 2 November 2021 for further, post-consultation, consideration.
- 5.9 The amended version of the Gravesham Statement of Licensing Policy under the Gambling Act 2005 will then be presented to Full Council on 7 December 2021 for approval and published thereafter.

**6. Background Papers**

- 6.1 None

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
<b>Legal</b>	Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act. The Policy will last for a 3 year period, but can be reviewed at any time during that period.
<b>Finance and Value for Money</b>	The cost of consultation and publishing an updated policy will be met from within existing budgets. The Statement of Licensing Policy under the Gambling Act 2005 will not place any new financial resource implications on the Council
<b>Risk Assessment</b>	<p>The publication of a Statement of Licensing Policy under the Gambling Act 2005 is a statutory requirement and failure to do so by 3 January 2022 as required may lead to negative publicity and criticism from central government.</p> <p>Close adherence to the mandatory guidance in terms of policy development and consultation will minimise the risk of judicial review at a later date. This risk is further minimised by working in close co-operation with the other licensing authorities within Kent.</p>
<b>Data Protection Impact Assessment</b>	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>.</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
<b>Corporate Plan</b>	<p>There are direct links to Corporate Objective 1 - People.</p> <p>Enforce high regulatory standards: put customer and employee safety first by ensuring commercial businesses and licence holders are fully compliant with expected legislative standards.</p>
<b>Climate Change</b>	N/A

<p><b>Crime and Disorder</b></p>	<p>Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Council's obligations under Section 17 of the Crime and Disorder Act 1998 in that the objectives of the Gambling Act 2005 are:</p> <p>Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.</p> <p>Ensuring that gambling is conducted in a fair and open way.</p> <p>Protecting children and other vulnerable persons from being harmed or exploited by gambling.</p> <p>As a member of the Kent and Medway Regulatory Licensing Steering Group we support a partnership approach to licensing and enforcement. This also directly reflects Section 17 requirements.</p>
<p><b>Digital and website implications</b></p>	<p>Minor website updates will be required.</p>
<p><b>Safeguarding children and vulnerable adults</b></p>	<p>In exercising most of their functions under the Gambling Act 2005, licencing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The 3<sup>rd</sup> licensing objective is Protecting children and other vulnerable persons from being harmed or exploited by gambling.</p>

# **Statement of Licensing Policy**

## **Gambling Act 2005**

**2022-25**

**31 January 2022 – 30 January 2025**

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## **1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

This Licensing Authority is aware that, as per Section 153, in exercising its functions under Part 8 of the Act it should aim to permit the use of premises in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Authority's Statement of Licensing Policy

## **2. Introduction**

Gravesham Borough 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 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 is an updated version of that originally formulated by the Kent & Medway Regulatory Licensing Steering Group.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions. 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 must have regard to Gambling Commission Guidance, principally the Guidance to Licensing Authorities, and will give appropriate weight to the views of those it has consulted.

## **3. Consultation**

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

- The Chief Officer of Police;

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

Gravesham Borough Council consulted widely on this policy statement, between 14 September 2021 to 12 October 2021, before finalising and publishing it. The full list of persons this authority consulted is provided at Appendix 5.

In determining its Statement of Licensing Policy the licensing authority must have regard to the Gambling Commission's guidance for local authorities, and having regard to that guidance will give appropriate weight to the views of those it has consulted. In determining what weight to give to particular representations, the factors to be taken into account included:

- who is making the representation (what is their expertise or interest);
- relevance of the factors to the licensing objectives;
- how many other people have expressed the same or similar views;
- how far the representation relates to matters the licensing authority should be including in its Statement of Licensing Policy.

The full list of comments made, the consideration of them by the Council and the reasons given for decisions made in drafting the policy following consultation are available to view on the council's website.

The policy was approved at a meeting of the Full Council on (due 7 December 2021) and published on the council's website and in the Civic Centre on 3 January 2022.

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.

#### **4. Declaration**

In producing this final licensing policy statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

#### **5. The Borough of Gravesham**

Gravesham Borough Council maintains a [Community Profile](#) on its website.

The Gravesham Community Profile is a resource for users to explore key statistical information about the borough and its community.

The findings from this data help us understand the type and scale of local community need. That knowledge forms part of the evidence base with which to design our

Corporate Plan, and associated policies, and enables us to make fully informed decisions when planning effective service interventions.

Profiling is a continuous process as the council seeks to identify any emerging trends within the community. The information outlined in these pages will therefore be reviewed on a regular basis to ensure the latest and most accurate data is captured for analysis and service planning.

For more information please [visit our website](#) or view the full [Community Profile](#) document.

## **6. Operators and Local Risk Assessments**

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain.

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 those particular premises.

All operators are required to comply with conditions attached to both their operator and individual premises licences, and with the Commission's social responsibility code of practice provisions, which have the force of licence conditions.

They are also expected to comply with ordinary code provisions, which are intended to set out best industry practice, unless they have alternative arrangements in place that they can demonstrate are equally effective. Ordinary code provisions do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

The Licence Conditions and Codes of Practice sets out the Gambling Commission's general licence conditions and associated code of practice provisions.

In April 2015, significant new responsibilities for operators were introduced in relation to their local premises which aim to improve the exchange of information between licensing authorities and operators:

- Social Responsibility code 10.1.1 requires operators of premises-based businesses to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks; taking into account relevant matters identified in the licensing authority's statement of licensing policy; and
- Ordinary Code 10.1.2 states that licensees should share their risk assessments with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

As part of their requirements under social responsibility code provision 10.1.1, operators must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;

- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c) when applying for a variation of a premises licence; and
- d) in any case, undertake a local risk assessment when applying for a new premises licence.

Both of these provisions (social responsibility code 10.1.1 and ordinary code 10.1.2) came into force on 6 April 2016.

This licensing authority has consequently required these risk assessments to be submitted for all gambling premises applications for new and variation applications, or otherwise upon request, from this date. Operators will therefore need to ensure that their local risk assessments are kept on the premises to enable it to be produced to an authorised officer upon request and to ensure that staff have access to, and are familiar, with it.

## **7. Local Area Profile**

The draft guidance suggests 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 to do this.

In simple terms, the objective of a local area profile in this context is to set out what an 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.

Licensing authorities may wish to include local area profiles within their statements. Alternatively, they can reference the implications of local area profiles for their regulatory approach in the statement, but maintain the actual profiles separately in order to enable them to be updated without the need to re-consult on amending the full statement of principles.

Gravesham's area is subject to ongoing change and development. It is not therefore considered appropriate to include a local area profile within the body of this policy as this would only represent a snapshot of its profile at a given point in time and require re-consultation whenever updated.

At the time of publishing this document, this Licensing Authority does not have evidence suggesting any specific issues within its area or sufficient data with which to produce a suitably detailed local area profile. If the need to develop a local area profile arises, this will be done outside the scope of this document and updated as appropriate. Any local area profile will be available to view alongside this policy on the council's website [www.gravesham.gov.uk](http://www.gravesham.gov.uk)

## **8. Casinos**

Section 175 of the Gambling Act 2005 restricts the number of small casinos, to have effect at any one time, to 8 across the whole of Great Britain. This licensing authority did not submit a proposal for a premises licence for a small casino.

Section 166 of the Gambling Act 2005 gives a Licensing Authority the ability to resolve not to issue casino premises licences. This licensing authority passed a 'no casino'

resolution at a meeting of Full Council on 4 December 2012, 8 December 2015, 18 December 2018 and (due 7 December 2021).

## 9. Functions

### **The following functions are under the responsibility of the Licensing Authority**

- 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) of the use of two or fewer gaming machines
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- 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 Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

### **The following functions are the responsibility of the Gambling Commission**

- Issue and renewal of Operating Licences
- Review Operating Licences
- Issue Personal Licences
- Issue Codes of Practice
- Issue Guidance to Licensing Authorities
- Licence remote gambling through Operating Licences
- Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines

## 10. Responsible Authorities

In exercising this 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 an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

In accordance with the Gambling Commission's draft Guidance for local authorities this authority designates the following for this purpose:

Kent Safeguarding Children multi-agency partnership  
Room 2.71, 2nd Floor  
Sessions House  
County Hall  
Maidstone  
ME14 1XQ

The contact details of all the Responsible Bodies under the Gambling Act 2005 are available in Appendix 4 and via the Council's website at: [www.gravesham.gov.uk](http://www.gravesham.gov.uk)

## 11. 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 Gambling Act 2005 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 Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will however consider the following matters as recommended by the Guidance to local authorities:

- 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 nature of the complainant. (not the personal characteristics, 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 (i.e. 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 Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling 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 Gambling Commission has also recommended that the licensing authority state that interested parties include trade associations and trade unions, and residents' and tenants' associations. This 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 Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

Interested parties can be represented by other persons such as Ward Councillors, Councillors for the Division, MP's etc. 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 an interested party needs advice on this matter they should contact the Council's Democratic Services section ([committee.section@gravesham.gov.uk](mailto:committee.section@gravesham.gov.uk)).

### **12. Exchange of Information**

The Guidance requires local authorities to include a section within their Statement of Policy which sets out, "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 of the Act."

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

This licensing authority will also 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

Any protocols established with regard to information exchange with other bodies will be made available.

### **13. Enforcement**

Licensing authorities are required by regulation under the Gambling Act 2005, to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act, with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The Kent & Medway Licensing Steering Group has formulated a Compliance and 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 the Gambling Act 2005 and the Licensing Act 2003. It will underpin the mutual operational support required to tackle licensing issues.

This licensing authority's principles are that it will:

- Act in accordance with the relevant legislation and guidance from the Gambling Commission;
- Have due regard to the Kent & Medway Licensing Steering Group's 'Compliance and Enforcement Protocol';
- Adopt the principles of better regulation set out in the Regulators' Code; and
- Endeavour to avoid duplication with other regulatory regimes so far as possible

In doing so, this authority will endeavour to be:

- **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; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects

Additionally, this authority recognises the importance of not placing unnecessary regulatory burdens upon businesses and will aim to carry out its regulatory activities in a way that supports compliance and growth.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.



## Appendix 1 - Permits

This appendix outlines factors to be taken into account when considering applications for permits.

### **Unlicensed Family Entertainment Centre Gaming Machine Permits issued under Schedule 10**

Where a premises does not hold a Premises Licence but wishes to make Category D gaming machines available for use, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making Category D gaming machines available for use.

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 need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission Guidance.

The Gambling Commission’s Guidance for local authorities states: “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.”

The Gambling Commission’s 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 FEC, and if the Chief Officer of Police has been consulted on the application.”

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. The Licensing Authority 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 policies and procedures are expected to include:

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and
- A basic criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises

The Licensing Authority will also expect 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 staff are trained to have full understanding of the maximum stakes and prizes (full, up to date details, are available on the Gambling Commission website - <https://www.gamblingcommission.gov.uk/home.aspx>)

Statement of Principles: This Licensing Authority 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 efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- Appropriate measures and training for staff as regards suspected truant school children on the premises;
- Measures and training covering how staff would deal with unsupervised very young children being on the premises;
- Children causing perceived problems on and or around the premises; and
- Safeguarding awareness training.

With regard to renewals of these permits, the 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.

### **Automatic Entitlement for Alcohol licensed premises**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically be able to make available two gaming machines of categories C and/or D. The premises licence holders merely need to notify the Licensing Authority with the accompanying fee.

The Licensing Authority may make an order disapplying the automatic entitlement 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 Gambling Act 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

### **Licensed Premises Gaming Machine Permits issued under Schedule 13**

If a premises wishes to have more than two machines, then it needs to apply for a permit and the Licensing Authority will consider that application based upon the licensing objectives, any Guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

This Licensing Authority 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 being harmed or being exploited by gambling. We 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. 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.

Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines being in sight of the bar or in the sight of staff that will monitor that the machines are not being used by those under 18 years old. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets or helpline numbers for organisations such as GamCare.

It should be noted that 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, as amended, issued by the Gambling Commission about the location and operation of the machine.

### **Prize Gaming Permits issued under Schedule 14**

Prize gaming is where the prize is not determined by the number of persons playing or the amount paid for or raised by the gaming.

It is expected that a premises that holds this type of permit 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, the Licensing Authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected 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.

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and
- A basis criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises.

The Licensing Authority will also expect applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- that staff are trained to have full understanding of the maximum stakes and prizes (full, up to date details, are available on the Gambling Commission website - <https://www.gamblingcommission.gov.uk/home.aspx>); and
- that the gaming offered is within the law.

In making its decision on an application for this permit the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission Guidance.

The Gambling Act 2005 attaches mandatory conditions to all prize gaming permits. The Licensing Authority cannot attach conditions.

The mandatory conditions are as follows:

The limits on participation fees, as set out in regulations, must be complied with;

- that 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.

## **Club Gaming and Club Machines Permits issued under Schedule 12**

Members' Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit. Members' Clubs, Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit.

The Club Gaming Permit will enable the premises to provide:

- Up to three gaming 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 up to three machines of categories B, C or D.

The Guidance for local authorities 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 it may refuse an application on one or more of the following grounds:

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

## **Fast Track Procedure**

There is a procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003. As the Gambling Commission's Guidance for local authorities' 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".

The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that 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 uses a category B3A, B4 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.

## Appendix 2 – Premises Licences

### Decision making

Premises Licences will be subject to the requirements set-out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Licensing 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 is:

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

Any conditions attached to licences by the Licensing Authority 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
- are reasonable in all other respects.

Decisions upon individual conditions will normally be made on a case by case basis relying on mandatory and default conditions. Although there will be a number of measures, the Licensing Authority may consider utilising the examples above where the local circumstances or specific risks make it appropriate; 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 applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively. An applicant for a licence will need to specify what supervision is proposed for the area where machines are sited and to clarify how supervisors will be trained to recognise vulnerable adults.

The Licensing Authority will consider specific measures which may be required for buildings which 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 a non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Licensing Authority will 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 less than 18 years of age.

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

The Licensing Authority is aware that tracks may be subject to one or more premises licences provided each licence relates to a specified area of the track. As per the Gambling Commission's 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 also conditions which the Licensing Authority 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 Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

#### **“Premises”**

Premises are 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 and as the Guidance for local authorities' states, it “will depend on the circumstances”. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will have regard to the Commission's Guidance on the division of premises and access between premises.

The Licensing Authority takes particular note of the 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 that:

- the third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling;
- 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;
- Customers should be able to participate in the activity named on the premises licence.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

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 Gambling 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. The Licensing Authority agrees with the Gambling Commission that 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 Gambling 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.

### **Location**

The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission’s Guidance for local authorities, the Licensing 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 considered there would be a consultation and any such policy would not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### **Planning**

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission’s Guidance states:

“When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. 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 Gambling Act 2005 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.”

### **Duplication**

As per the Gambling Commission’s Guidance for local authorities the Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

### **Door Supervisors**

The Gambling Commission’s Guidance advises that licensing authorities may require persons operating premises in which gambling takes place to take measures such as



the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

The Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises are also licensed under the Licensing Act 2003, door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

### **Licensing objectives**

The Licensing Authority has considered the Commission's Guidance to local authorities in respect of 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;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### **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 Gambling Commission;
- it is in accordance with any relevant Guidance issued by the Gambling Commission;
- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause the Licensing Authority to wish to alter, revoke or 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.

### **Provisional Statements**

The Licensing Authority notes the Guidance from the Gambling Commission which states:

“S.204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- Expects to be constructed;
- Expects to be altered;
- Expects to acquire a right to occupy. “

In terms of representations about premises licence applications, following the grant of a provisional statement, 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:

- Which could not have been raised by objectors at the provisional licence stage;
- Which in the authority’s opinion reflect a change in the operator’s circumstances;
- 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.

### **Adult Gaming Centres (AGC)**

The Licensing Authority particularly notes the Commission’s Guidance which states: “No-one under the age of 18 years of age is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and 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 although 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 or 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.

### **Family Entertainment Centres (FECs)**

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

The Licensing Authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives although appropriate measures/licence conditions may cover issues such as:

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices or 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.

### **Tracks**

The Licensing Authority is aware that the Gambling Commission may provide specific Guidance as regards tracks. The Licensing Authority shall have regard to this Guidance in the discharge of its functions.

### **Bingo**

The Licensing Authority will have regard to the Gambling Commission's Guidance.

### **Temporary Use Notice (TUN)**

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

### **Occasional Use Notice (OUN)**

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

### **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 are to be made available for use at travelling fairs and that 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.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year 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. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

### Small Society Lotteries

Under the Gambling Act 2005 a lottery is unlawful unless it runs under an operating licence or is an exempt lottery.

Promoting or facilitating a lottery will fall into two categories:

- Licensed lotteries (requiring an operating licence from the Gambling Commission)
- Exempt lotteries (including small society lotteries registered with a local authority)

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lottery;
- Work lottery;
- Resident' lottery;
- Customers' lottery.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website.

All tickets in a small society lottery registered with a local authority must state:

- The name of the promoting society;
- The price of the ticket, (which must be the same for all tickets);
- The name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries; and
- The date of the draw, or information which enables the date to be determined.

Tickets that are issued through a form of remote communication or any other electronic manner must specify the information above to the purchaser of the ticket and ensure that the message can be either retained (saved) or printed.

Lottery tickets must not be sold to, or by, those under the age of 16.

Small Society Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand.

The Gambling Commission's Guidance notes that licensing authorities may only refuse an application on the grounds that:

- An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused within the past five years;
- The society in question cannot be deemed non-commercial;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, as listed in Schedule 7 of the Gambling Act 2005; and
- Information provided in or with the application for registration is found to be false or misleading.

This licensing authority will inform the society of the reasons for refusal and allow them a period of 2 weeks to submit representations. A decision will then be reached and the society will be notified.

A licensing authority may also determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The society would be informed of the preliminary decision to revoke the registration and allow time for representations. After this period of 2 weeks, a decision will be formally made and the society notified.

## Appendix 4

## Responsible Authorities Contact details:

Gravesham and Medway Shared Licensing Service  
Gravesham Borough Council  
Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU  
licensing@gravesham.gov.uk

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
www.gamblingcommission.gov.uk  
info@gamblingcommission.gov.uk  
01212 306500

North Kent Police Licensing  
Medway Police Station  
Purser Way  
Gillingham  
Kent  
ME7 1NE  
licensing.north.division@kent.pnn.police.uk  
01634 792733

West Kent Fire Safety Office  
Dartford Fire Station  
Watling Street  
Dartford  
Kent  
DA2 6EG  
www.kent.fire-uk.org  
licensing@kent.fire-uk.org  
01322 224229

Gravesham Borough Council  
Planning and Regeneration Services  
Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU  
planning.admin@gravesham.gov.uk  
01474 33 73 91

Gravesham Borough Council  
Environmental Protection  
Regulatory Services  
Gravesham Borough Council  
Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU  
ep@gravesham.gov.uk

For premises where H&S is enforced by GBC e.g. shops, pubs, clubs, etc  
Gravesham Borough Council  
Commercial Section (Health & Safety)  
Regulatory Services  
Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU  
commercialhealth.admin@gravesham.gov.uk

Kent Safeguarding Children multi-agency partnership  
Room 2.71  
Sessions House  
County Hall  
Maidstone  
ME14 1XQ  
kscmp@kent.gov.uk  
03000 421126

HM Revenue and Customs  
Excise Processing Teams  
BX9 1GL  
NRUBetting&Gaming@hmrc.gsi.gov.uk  
Tel: 0300 322 7072 (option 7)

**List of Consultees**

- All Ward Councillors
- Parish Councils
- All bodies designated under s.157 of the Act as Responsible Authorities
- Kent County Council Trading Standards
- Association of British Bookmakers
- National Casino Forum
- British Amusement Catering Trade Association
- Bingo Association
- The British Horseracing Authority Limited
- The Greyhound Board of Great Britain
- British Beer and Pub Association
- British Institute of Innkeeping
- Gamblers Anonymous UK
- Gamcare
- Be Gamble Aware
- National Problem Gambling Clinic
- Responsible Gambling Trust
- Samaritans
- Citizen Advice Bureaux
- Gordon Moody Association
- The Grand
- B Smith
- Coral
- Ladbrokes
- Power Leisure Bookmakers Ltd (Paddy Power)
- Betfred
- Luxury Leisure
- Megabet UK Ltd
- The General Public



## Machine Entitlements

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

<sup>1</sup>Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight<sup>104</sup> category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

<sup>2</sup>Adult gaming centres are entitled to make available for use 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 and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

## Delegations

<b>Delegations</b>			
<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of licensing committee</b>	<b>Officers</b>
Final approval of three year licensing policy	<b>X</b>		
Policy not to permit casinos	<b>X</b>		
Fee setting (where appropriate)			Delegated to officers
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 and not withdrawn	Where no representations received/representations have been withdrawn
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		<b>X</b>	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permits		<b>X</b>	
Applications for other permits		Where there are 5 or more machines or where objections have been made (and not withdrawn)	4 machines or less
Cancellation of licensed premises gaming machine permits			<b>X</b>
Consideration of temporary use notice			<b>X</b>
Decisions to give a counter notice to a temporary use notice		<b>X</b>	
Cancellation of Small Society Lottery Registration			<b>X</b>

## Glossary of terms

### Adult Gaming Centre – AGC's

Adult gaming centres are a category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a Premises licence from the Council. Category B, C and D machines can be made available to customers.

### Alcohol Licensed Premises gaming machine permits

The Council can issue such permits for any number of category C or D machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category C or D for use in alcohol licensed premises.

### Applications

Applications for licences and permits.

### Authorisations

This policy relates to all authorisations, permits, licences etc, which the Council is responsible for under the Gambling Act 2005.

### Betting machines

A machine designed or adapted for the use to bet on future real events (not gaming machines).

### Bingo

A game of equal chance. Bingo has no statutory definition. It is to have its ordinary and natural meaning. Under the previous legislation, two types of bingo could be offered:

- cash bingo, where the stakes paid made up the cash prizes that were won; or
- prize bingo, where various forms of prizes were won, not directly related to the stakes paid.

Traditionally, cash bingo was the main type of bingo played in commercial bingo halls. They could also offer prize bingo, largely as interval games. Under the 2005 Act, the distinction between these two version of the game was abolished for commercial operators, and the holder of a bingo operating licence can offer any type of bingo game, whether cash or prize. Apart from commercial bingo halls, prize bingo is traditionally a game played in arcades, especially seaside amusement arcades or travelling funfairs. For these operators, prize bingo has been subsumed within the allowances for prize gaming in the act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, and travelling fairs, (or any premises with a prize gaming permit) will be able to offer prize gaming, which includes prize bingo.

In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by gaming

**Casino**

An arrangement whereby people are given an opportunity to participate in one or more casino games.

**Children**

Individual who is less than 16 years old

**Club Gaming Permit**

Club gaming permits allow members clubs and miners' welfare institutes to provide gaming machines (3 machines of Category B, C or D), equal chance gaming and games of chance.

**Club Machine Permit**

These permits allow the holder to have up to 3 gaming machines of category B, C or D.

**Code of Practice**

Means any relevant code of practice under section 24 of the Gambling Act 2005.

**Default Conditions**

Conditions that will apply unless the Council decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.

**Disorder**

Disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

**Equal Chance Gaming**

Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants

**Family Entertainment Centres**

Family Entertainment Centre, licensed or unlicensed but operating with a permit may provided any number of gaming machines of category C or D.

**Occasional Use Notices**

Where there is betting on a track on up to eight days in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a Premises licence. A track includes a horse race course, dog track and temporary tracks for races or sporting events.

**Operating Licence**

Authorises individuals or companies to provide facilities for certain types of remote or non-remote gambling. These licences are issued by the Gambling Commission and generally cover the principle commercial forms of gambling operating. A single licence cannot authorise remote and non- remote activities; separate operating licences are need for this. Conditions may be attached.

**Personal Licences**

Except for small scale operations, for each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gambling Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not

transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.

### **Premises**

“Premises” is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as separate premises will always be a question of fact in the circumstances. However, the Council would have to consider very carefully whether areas of a building that are artificially or temporarily separate can properly be regarded as different premises.

### **Premises Licence**

Authorises the provision of facilities for gambling on premises for casinos, bingo, betting (including tracks), adult gaming centres and family entertainment centres. The Premises licence will include details of conditions. These licences are issued by the Council, are valid for the life of the premises, subject to any reviews that may be triggered and can lapse in certain circumstances, with no annual renewal required, although there is an annual fee. These licences are transferable to someone else holds a valid operating licence.

### **Prize Gaming Permits and prize gaming**

This permit allows the provision of facilities for gaming and prizes on specified premises. “Prize gaming” refers to gaming where the nature and size of the prize is not determined by the numbers of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operators before the play commences.

### **Temporary Use Notices**

These licences authorise the person or company holding a relevant operating licence to use the premises temporarily for providing facilities for gambling where there are no premises licence. Such premises could include hotels, conference centres and sporting venues.

### **Unlicensed Family Entertainment Centre Gaming Machine Permit**

These allow the use of an unlimited number of category D gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.

**GAMCARE**

GamCare is the leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. They operate the National Gambling Helpline, provide treatment for problem gamblers and their families, create awareness about responsible gambling and treatment, and encourage an effective approach to responsible gambling within the gambling industry.

GamCare can be contacted on their **Freephone Helpline 0808 8020 133** 24 hours a day, 7 days a week.

You can also access online support such as live chats, groups chats and Gamcare forum on their website. Please visit [www.gamcare.org.uk](http://www.gamcare.org.uk)