

# **Statement of Licensing Policy**

## **Gambling Act 2005**

**2019-22**

## Contents

Section	Item	Page
1	The Licensing Objectives	1
2	Introduction	1
3	Consultation	1
4	Declaration	2
5	The Borough of Gravesham	2
6	Operators and Local Risk Assessments	3
7	Local Area Profile	4
8	Casinos	5
9	Functions	5
10	Responsible Authorities	6
11	Interested Parties	7
12	Exchange of Information	8
13	Enforcement	8

The appendices that follow form part of this Policy Statement

Appendix 1	Permits	10
(i)	Unlicensed Family Entertainment Centre Gaming Machine Permits	10
(ii)	(Alcohol) Licensed Premises Gaming Machine Permits	11
(iii)	Prize Gaming Permits	12
(iv)	Club Gaming and Club Machine Permits	13
(v)	Fast Track Procedure	14
Appendix 2	Premises Licences	15
(i)	Decision Making – General	15
(ii)	“Premises”	16
(iii)	Location	17
(iv)	Planning	18
(v)	Duplication	18
(vi)	Door Supervisors	18
(vii)	Licensing Objectives	19
(viii)	Reviews	19
(ix)	Provisional Statements	19
(x)	Adult Gaming Centres	20
(xi)	(Licensed) Family Entertainment Centres	20
(xii)	Tracks	21
(xiii)	Bingo	21
(xiv)	Temporary Use Notices	21
(xv)	Occasional Use Notices	21
(xvi)	Travelling Fairs	21
Appendix 3	Responsible Authorities Contact Details	23
Appendix 4	List of Persons/Bodies Consulted	24
Appendix 5	Summary of Gaming Machine Entitlements By Premises	25
Appendix 6	Summary of Licensing Authority Delegations	26
Appendix 7	Maximum Stakes And Prizes	27
Appendix 8	Glossary of Terms	28
Appendix 9	Gamcare Contact Details	31

## **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 (K&MRLStGp) whose role includes the identification of issues on which a consistent countywide approach is considered essential and the formulation of recommended policy that establishes a minimum standard on these identified issues.

This policy is an updated version of that originally formulated by the K&MRLStGp.

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 (GLA), 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 XXX and XXX, before finalising and publishing it. The full list of persons this authority consulted is provided at Appendix 4.

***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 if 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 relate 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 XXX and published on the council's website and in the Civic Centre on XXX.

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 (the Guidance).

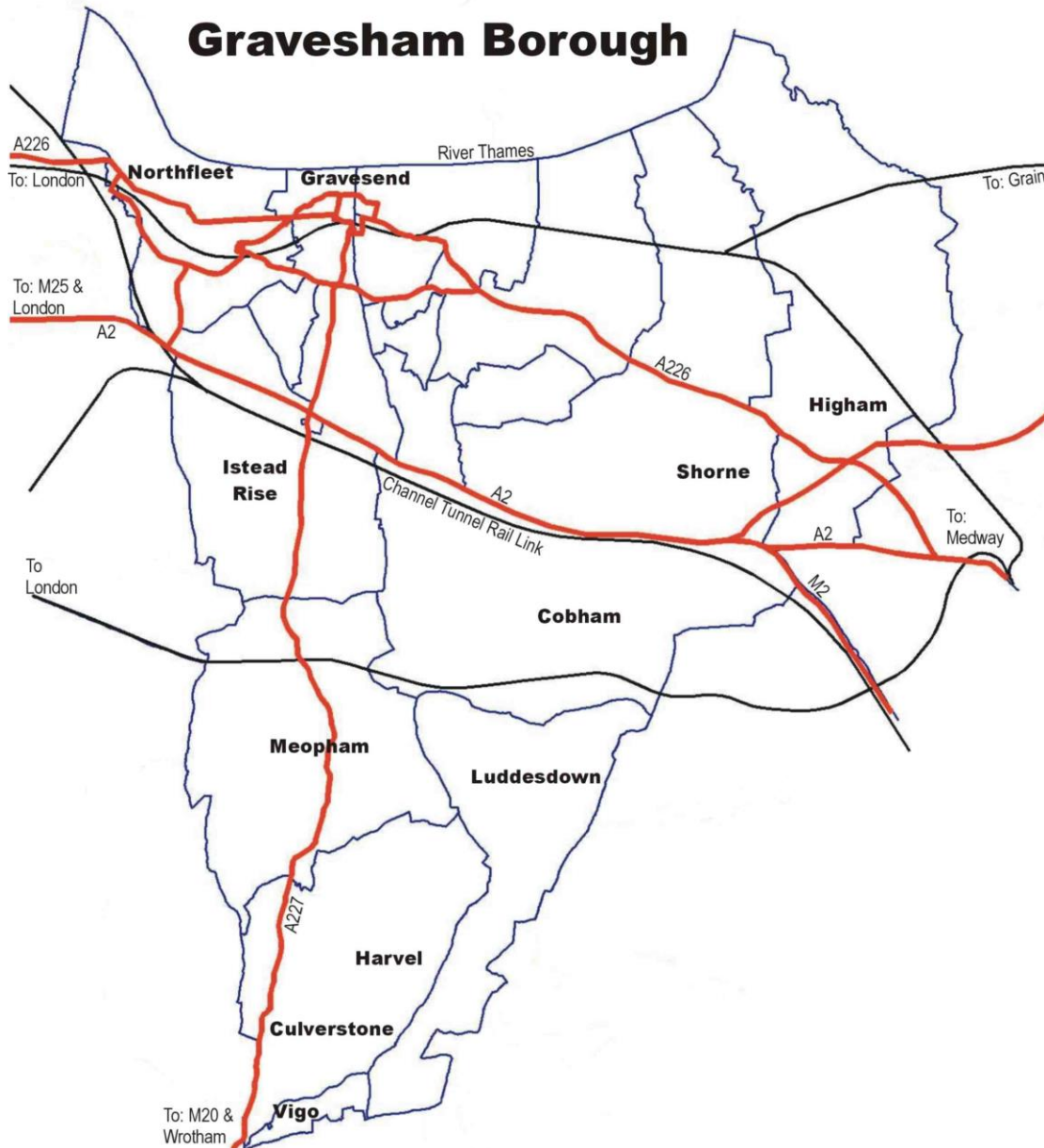
#### **4. Declaration**

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 is located on the south bank of the River Thames in the north of Kent approximately 32km (20 miles) east of London. Covering an area of 105 km<sup>2</sup> (40 miles<sup>2</sup>) it stretches from the River Thames in the north to the crest of the North Downs in the south. The borough has a striking urban-rural split; the rural area to the south of the borough and to the east of Gravesend, makes up 78% of the whole borough and is virtually all Green Belt land.

As a place to live, Gravesham consists of Gravesend (including Milton, Denton and Chalk) and Northfleet - the towns at the heart of the borough - and the rural and semi-rural villages of Cobham, Higham, Istead Rise, Luddesdown, Meopham (including Harvel and Culverstone), Shorne and Vigo. These areas are shown in the map overleaf.



## 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 (SR) code of practice provisions, which have the force of licence conditions.

They are also expected to comply with ordinary code (OC) provisions, which are intended to set out best industry practice, unless they have alternative arrangements

in place that they can demonstrate are equally effective. OC 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 (LCCP) 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 which 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 which 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 SR 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 (SR 10.1.1 and OC 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.

## **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

**Proposal for a casino** – This licensing authority did not submit a proposal for a premises licence for a small casino

**No Casinos resolution** – 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 and again at its meeting of 8 December 2015. **It is the intention that Full Council approve a further 'no casinos' resolution at its meeting of 4 December 2018.**

## 9. Functions

### Licensing Authority Functions

Function	Who deals with it
Be responsible for the licensing of premises where gambling activities are to take place by issuing <i>Premises Licences</i>	Licensing Authority
Issue <i>Provisional Statements</i>	Licensing Authority
Regulate <i>members' clubs</i> and <i>miners' welfare institutes</i> who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits	Licensing Authority
Issue <i>Club Machine Permits</i> to <i>Commercial Clubs</i>	Licensing Authority
Grant permits for the use of certain lower stake gaming machines at <i>unlicensed Family Entertainment Centres</i>	Licensing Authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines	Licensing Authority
Grant <i>Licensed Premises Gaming Machine Permits</i> 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	Licensing Authority
Register <i>small society lotteries</i> below prescribed thresholds	Licensing Authority
Issue <i>Prize Gaming Permits</i>	Licensing Authority

Receive and Endorse <i>Temporary Use Notices</i>	Licensing Authority
Receive <i>Occasional Use Notices</i>	Licensing Authority
Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions	Licensing Authority

### **Gambling Commission Functions**

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

The Licensing Authority is not responsible for remote gambling. This will fall to the Gambling Commission via Operating Licences

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

### **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 Board  
Room 2.60, 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 3 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); and
- the nature of the complainant. (not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults).
- the catchment area of the premises (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 (Guidance to Licensing Authorities).

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 Statements 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.

***It is also worth noting that 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.*** The Gambling Commission will also be responsible for compliance regarding unlicensed premises.

## Appendix 1 - Permits

This Appendix outlines factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

### **(i) Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Schedule 10 para 7)**

Where a premises does not hold a Premises Licence but wishes to provide gaming machines 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 gaming machines available for use (Section 238).

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
- 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 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.

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 (paragraph 8(2)). 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 their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications

for permits...., licensing authorities may want to give weight to child protection issues.”

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.”

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/training for staff as regards suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised very young children being on the premises;
- children causing perceived problems on/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.

#### **(ii) (Alcohol) Licensed Premises (Licensing Act 2003) Gaming Machine Permits – (Schedule 13 Para 4(1))**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of categories C and/or D. The premises licence holders merely need to notify the Licensing Authority. 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.

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 and 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/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.

### **(iii) Prize Gaming Permits – (Schedule 14 Para 8 (3))**

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, 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 in unlicensed family entertainment centres;

- 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; 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.

#### **(iv) Club Gaming and Club Machines Permits (Schedule 12 Para 1)**

Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit which will enable the premises to provide gaming machines (three machines of categories B4, 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:

(a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

(b) the applicant's premises are used wholly or mainly by children and/or young persons, or by both;

(c) an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming activities;

(d) a permit held by the applicant has been cancelled in the previous ten years; or

(e) an objection has been lodged by the Gambling Commission or the police.

**(v) Fast Track Procedure (Schedule 12(10))**

There is also a procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, para 10). 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" and "The grounds on which an application under the process may be refused are:

(a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

(b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

(c) 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

### (i) Decision making - general:

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

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

**(ii) "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 always be a question of fact in 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 by gambling. In practice that means not only preventing them from taking part in gambling but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and
- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

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.

### **(iii) 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.

**(iv) 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 not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

**(v) 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.

**(vi) Door Supervisors:**

The Gambling Commission's Guidance advises local authorities 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 licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

**(vii) 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.*

**(viii) Reviews:**

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

- it is in accordance with any relevant code of practice issued by the 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/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

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

**(ix) Provisional Statements:**

The Licensing Authority notes 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:

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

(b) which in the authority's opinion reflect a change in the operator's circumstances.

(c) Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

#### **(x) 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/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

#### **(xi) (Licensed) Family Entertainment Centres (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/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.

**(xii) 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.

**(xiii) Bingo:**

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

**(xiv) 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).

**(xv) 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.

**(xvi) Travelling Fairs:**

It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit are to be made available for use

at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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.



**Responsible Authorities Contact details:**

Licensing Authority  
Regulatory Services  
Gravesham Borough Council  
Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU  
www.gravesham.gov.uk  
licensing@gravesham.gov.uk  
Tel: 01474 33 72 52

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
www.gamblingcommission.gov.uk  
info@gamblingcommission.gov.uk  
Tel: 0121 230 6500

North Kent Police Licensing  
Medway Police Station  
Purser Way  
Gillingham  
Kent  
ME7 1NE  
licensing.north.division@kent.pnn.police.uk  
Telephone 01634 79 27 33

West Kent Fire Safety Office  
Dartford Fire Station  
Watling Street  
Dartford  
Kent  
DA2 6EG  
www.kent.fire-uk.org  
licensing@kent.fire-uk.org  
Tel: 01322 22 42 29

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

Gravesham Borough Council  
Environmental Protection  
Regulatory Services  
Gravesham Borough Council  
Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU  
www.gravesham.gov.uk  
environmentalprotection.admin@gravesham.gov.uk  
01474 33 73 34

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  
www.gravesham.gov.uk  
commercialhealth.admin@gravesham.gov.uk  
01474 33 73 34

Kent Safeguarding Children Board  
Room 2.60, 2nd Floor  
Sessions House  
County Hall  
Maidstone  
ME14 1XQ  
kscb@kent.gov.uk  
Office : 03000 421126

HM Revenue and Customs  
Excise Processing Teams  
Gambling Duties  
BX9 1GL  
NRUBetting&Gaming@hmrc.gsi.gov.uk  
Tel: 0141 555 3508

### 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
- K Johnson Bookmakers
- B Smith
- Coral
- Ladbrokes
- Power Leisure Bookmakers Ltd (Paddy Power)
- Pridmore
- Betfred
- Luxury Leisure
- 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>	

## Appendix 7

### Summary of Maximum stake and Maximum prize by category of gaming machine (subject to periodic change)

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

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

## Glossary of terms

Adult Gaming Centre – AGC's	Adult gaming centres (AGC's) are a new 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 licenses 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	<p>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:</p> <ul style="list-style-type: none"> <li>• cash bingo, where the stakes paid made up the cash prizes that were won; or</li> <li>• prize bingo, where various forms of prizes were won, not directly related to the stakes paid.</li> </ul> <p>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.</p> <p>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</p>

	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 (but not a commercial club) to provide to provide gaming machines (3 machines of Category B, C or D), equal chance gaming and games of chance.
Club Gaming 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 – FEC's	Family Entertainment Centre, licensed or unlicensed but operating with a permit may provide 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 needed 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 hold 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 is 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** between 8am and midnight, 7 days a week.

For online support, please visit <http://www.gamcare.org.uk/>