

From: Redacted

Sent: 10 September 2018 08:38

To: Licensing (MBC)

Subject: Comments on Maidstone's Draft Statement of Principles for Gambling

The Commission has been sent a copy of Maidstone's draft Statement of Principles for Gambling. I have had the opportunity to read the document and have some comments to make which may assist. This is not a representation, and there is no need to treat it as such – the comments are for your advice only.

1. Unlicensed FEC Permits - You should specify here that a uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine.
2. Prize Gaming Permits - these considerations should also apply to uFEC permits, as these are premises which primarily cater to children and which are not regulated by the GC, only via a permit from the LA
3. Requirement for gaming machines to be in a separate area (for Premises Licences) - this only applies to Licensed FEC's and Bingo premises and not to AGC or Betting premises, which are only for adults anyway. This should be clarified.
4. Provisional Statements – gambling premises do not have to be complete before a Premises Licence can be granted. **The GLA states:**

Consideration of planning permission and building regulations

7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. **This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them.** [Part 11](#) of this guidance gives more information about provisional statements.

7.59 As the Court has held in a 2008 case¹⁹, **operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits.** Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

5. Self-exclusion: the term "self-barring" used in the draft should be replaced by "self-exclusion", which is the correct term.

Appendix 2: Consultation Responses

I hope this is helpful to you.

Best wishes

Redacted
Compliance Manager

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP

Telephone: 0121 230 6603

www.gamblingcommission.gov.uk