

# AGENDA

## LICENSING ACT 2003 SUB-COMMITTEE MEETING



Date: Thursday 18 February 2016

Time: 11.30 a.m.

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Mrs Grigg, Mrs Hinder and Mrs Joy

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Page No.

1. Election of Chairman
2. Disclosures by Members and Officers
3. Disclosures of Lobbying
4. To consider whether any items should be taken in private because of the possible disclosure of exempt information
5. Report of the Head of Housing and Communities - Gambling Act 2005: Application for an Adult Gaming Centre Premises Licence in respect of Palace Amusements, 59 Week Street, Maidstone, ME14 1QU 1 - 178

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**Issued on Wednesday 10 February 2016**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact POPPY COLLIER on 01622 602242**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

# Agenda Item 5

## LICENSING ACT 2003 SUB COMMITTEE

18 FEBRUARY 2016

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

### **GAMBLING ACT 2005: APPLICATION FOR AN ADULT GAMING CENTRE PREMISES LICENCE IN RESPECT OF PALACE AMUSEMENTS, 59 WEEK STREET, MAIDSTONE, ME14 1QU**

<b>Final Decision-Maker</b>	Licensing Act 2003 Sub Committee
<b>Head of Service</b>	John Littlemore
<b>Lead Officer and Report Author</b>	Lorraine Neale
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	High Street

#### **This report makes the following recommendations to the final decision-maker:**

1. That the Licensing Act 2003 Sub-Committee consider whether to grant, refuse or modify this application for an Adult Gaming Centre Premises Licence.

#### **This report relates to the following corporate priorities:**

- Great People
- Great Place
- Great Opportunity

#### **Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Policy and Resources Committee	N/A
Council	N/A
Other Committee	N/A

# **GAMBLING ACT 2005: APPLICATION FOR AN ADULT GAMING CENTRE PREMISES LICENCE IN RESPECT OF PALACE AMUSEMENTS, 59 WEEK STREET, MAIDSTONE, ME14 1QU**

## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1 To advise Members of an application made under section 159 of the Gambling Act 2005 for the grant of an Adult Gaming Centre for Palace Amusements, 59 Week Street, Maidstone, ME14 1QU

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## **2. INTRODUCTION AND BACKGROUND**

2.1 The Gambling Act 2005 received royal assent on 7th April 2005 and came fully into force on 1st September 2007. It repeals the Betting Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusement Act 1976.

The Act comprehensively updates gambling laws that were several decades old, providing new powers and protections for both new and old forms of gambling and transfers responsibility for granting gaming and betting permissions from the Courts to Local Authorities and the Gambling Commission. Local Authorities have five functions; publication of policy; regulation of premises; registration of small society lotteries; maintenance of registers; and compliance.

The Act has three clear 'Licensing Objectives', namely:

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

The licensing objectives are the only matters that the licensing authority can take into account when making a decision.

The Act covers two main activities:

- Providing facilities for gaming
- Using premises for gaming

In either case appropriate permission must be held which may come in the form of a Licence, Permit or Registration determined according to the Act or from an exemption given by the Act.

2.2 In exercising its functions under Part 8 of the Gambling Act 2005 the Licensing Authority shall aim to permit the use of the premises licence in so far as the Authority think it is:

In accordance with any relevant code of practice issued by the Gambling Commission under section 24 of the 2005 Act;

In accordance with any relevant guidance issued by the Gambling Commission under section 25 of the 2005 Act;

Reasonably consistent with the licensing objectives;

In accordance with the Licensing Authority's Statement of Principles;

In determining whether to grant a premises licence a licensing authority may not

Information in relation to the licensing objectives is set out at S5.1 of the Gambling Commissions Guidance to Local Authorities 5<sup>th</sup> Edition (GC's Guidance) which came into force in September 2015 and pages 22-23 of MBC's Statement of Licensing Principles (SoLP) attached as Appendix P. This is the SoLP that was in place when this application was received and that is referred to. However a new SoLP was agreed on 8.12.2015 which is also attached as Appendix P1, it should be noted that there is no significant change between the old and the new SoLP and it is for the parties to address the Committee on which SoLP to apply.

### **2.3 Application**

An application has been received from Rotunda Equipment Leasing Ltd of Rotunda House, Unit H, Concept Court, Folkestone, CT19 4RH on 8 October 2015 (Appendix A).

An Adult Gaming Centre is for persons over 18 years old and can contain a maximum of 20% of the total number of gaming machines which are available for use on the premises as category B3 with a maximum payout of £500 or B4 machines with a maximum payout of £400 and an unlimited number of category C machines with a maximum payment £100 and D machines with a maximum payout of £5.

A location plan is attached as Appendix B and a plan of the premises is attached as Appendix C to show the layout and the area of licensable activity.

### **2.4 Notice**

The Act requires the applicant to advertise the application at the premises and in a local newspaper. A copy of the notice of application was displayed at the premises and in the Kent Messenger on the 16.10.15 (Appendix D) and within the timescale required. A notice is also required to be served on the responsible authorities and this was confirmed as taken place. The Local Authority also notified the Responsible Authorities on 16 October 2015 that an application had been received from Rotunda Equipment

Leasing Ltd. The last day to receive representations in respect of this application was the 5 November 2015.

## **2.5 Representations**

### **a) Responsible Authorities**

The Gambling Commission – no response  
Maidstone Constabulary – no response  
Kent Fire & Rescue Service – no response  
Planning – no response  
Environmental Health – no response  
Kent Social Services – no response  
HM Revenue & Customs – no response

### **b) Interested Parties**

One representation was received on 3 November 2015 from Cashino Gaming Ltd, an interested party and is attached as Appendix E. This is in relation to a company with a business interest being an Adult Gaming Centre at 74 Week Street.

A further letter was received from Cashino Gaming Ltd on 6 November 2015 and is attached as Appendix F. The letter asks that the Local Authority consider the “central point” of the matters raised by them in their letter of 3 November 2015 and that is, that the application has not been made correctly and is summarised in the following paragraph of their letter.

“In this case, it is not just the plan that is deficient – the entire application is unspecific to the point of being misleading. It will not therefore be enough to ask for more information. In our submission, the application should be refused or rejected so that if it is then resubmitted with the appropriate level of detail, the LA, Responsible Authorities, and Interested Parties may properly evaluate and comment on it.”

## **2.6 Applicants response to Cashino’s representation**

The applicant was furnished with Cashino’s Ltd representation made on 3 November 2015 and their further comments invited. The applicant’s solicitor responded on 12 November 2015 (Appendix G). The general overview of the response was that the representation was “frivolous and vexatious” and it should be dismissed and an attempt to avoid commercial competition. It was also sought that the licence be granted without a hearing.

### **Consideration of the representation from Cashino**

When considering the representation received on 3 November 2015 from Cashino, the Local Authority took the view that it had insufficient information to determine the admissibility and relevance of the interested parties representation and wrote to the interested party on 25 November 2015 (Appendix H). The letter stating that they had declared to have *business*

*interest in [the] catchment area that might be affected* but that their representation did not explain how their business interest might be affected. They were asked to furnish the further information in order to determine whether a hearing would be required.

When considering the further letter received on 6 November 2015 the Legal Department sent a letter to the objector (Appendix I) which requested that they explain further “in what way and to what extent the applicant had failed to comply with the procedural requirements of the Act and the regulations made thereunder”

## **2.7 Request from the applicant for further information**

A letter was also sent to the applicant on 25 November 2015 (Appendix J) stating that there were some concerns that the plan submitted with the application was insufficient and that that it failed to sufficiently specify the location and extent of any part of the premises in which the gaming machines would be made available (see Reg 4(6) of the GA05 (Premises Licence and Provisional Statements) Regulations 2007 (SI 2007/459)) and asked them to submit supporting documentation to demonstrate that their application and proposed operation of these premises at this particular location were to be in accordance with the LCCP, the GC’s Guidance, consistent with the licensing objectives under the Act and in accordance with the Maidstone SoLP.

## **2.8 Responses to the requests for further information**

### **a) Objector**

The responses to the licensing and legal department letters of 25 November 2015 to Cashino Ltd were received on 8 December 2015 and are attached as Appendix K and Appendix L.

### **b) Applicant**

The responses to the letter sent on 25 November 2015 to the applicant (Appendix J) were received on 8 December 2015 and is attached as Appendix M.

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## **3. AVAILABLE OPTIONS**

### **3.1 The Sub-Committee can**

- i) Grant the application
- ii) Grant the application and attach conditions.

iii) Refuse the application

Mandatory conditions may not be excluded. Adult Gaming Centres do not have Default conditions Conditions may apply to the whole or part of premises. Members may accept conditions put forward by the applicant and/or the licensing officer, or amend them as justified in the circumstances. It is important that any conditions are clear and precise so they may be enforced. A condition may not be attached which would prevent compliance with a condition on the operating licence granted by the Gambling Commission. Mandatory conditions vary according to the type of application before the Sub-Committee those applicable to this application are attached at Appendix O.

This application will be determined using the principles to be applied under section 153 of the Gambling Act 2005

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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

Officers considered the admissibility and relevance of the interested Party's representation made by Cashino a competing Adult Gaming Centre operator constituted exceptional circumstances. Also the scheme of delegation at Appendix 5 of the SoLP that states "where representations have been received and not withdrawn the matter is to be determined by the licensing sub-committee"

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#### **5. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Any decision taken with regard to this matter will not in itself have any significant effect on the Corporate Objectives	[Head of Service or Manager]
<b>Risk Management</b>	The determination is subject to rights of appeal by both parties, which may have costs implications for the Council.	[Head of Service or Manager]
<b>Financial</b>	The appropriate application fee has been paid in accordance with the Council's fees and charges. There are no financial implications other than possible costs if an appeal against the decision is successful.	[Section 151 Officer & Finance Team]
<b>Staffing</b>	There are none	[Head of

		Service]
<b>Legal</b>	Considerations are as set out in the report.	[Legal Team]
<b>Equality Impact Needs Assessment</b>	The Equality Act 2010, Section 149 requires public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity between the sexes and foster good relations between them. Consideration of this may inform Conditions. This duty also covers religious belief and disability. An assessment was made at the time at the time of the adoption of the Policy.	[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>	There are none	[Head of Service or Manager]
<b>Community Safety</b>	Section 17 of the Crime and Disorder Act 1998 gives authorities a duty to have regard to the likely effect of the exercise of their functions on the need to do all they reasonably can to prevent, crime and disorder.	[Head of Service or Manager]
<b>Human Rights Act</b>	The Human Rights Act 1998 should be taken into consideration when reaching a decision. The rights potentially engaged are:- Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights. The Committee must carefully consider the applicant's rights and these must be balanced against the public interest	[Head of Service or Manager]
<b>Procurement</b>	N/A	[Head of Service & Section 151 Officer]

<b>Asset Management</b>	N/A	[Head of Service & Manager]
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## 6. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A - Application
- Appendix B – Plan of the Area
- Appendix C – Premises plan
- Appendix D – Application Advert
- Appendix E – Cashino representation 3.11.15
- Appendix F – Cashino Letter 6.11.15
- Appendix G – Applicant’s response to Cashino representation 3.11.15
- Appendix H – Licensing letter requesting additional info from Cashino
- Appendix I – Legal dept letter requesting additional info from Cashino
- Appendix J - Licensing letter requesting additional info from applicant
- Appendix K – Cashinos response to Licensing letter
- Appendix L – Cashinos response to Legal letter
- Appendix M –Applicants response to Licensing letter
- Appendix N – attachment to applicants letter -Bacta Toolkit supplied
- Appendix O - Mandatory conditions in respect of Adult Gaming Centres
- Appendix P – Maidstones SoLP Exp Jan 2016
- Appendix P1 – Maidstones SoLP Exp Jan 2021(agreed 8.12.15)

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**N.B.** Both SoLP’s have been attached to the report as Appendix P was in place when the application was received and P1 is in place now, however there has been no significant change between them only minor amendments

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## 7. BACKGROUND PAPERS

Gambling Act 2005 <http://www.legislation.gov.uk/ukpga/2005/19/contents>

Gambling Act 2005 (Premises Licence and Provisional Statements)

Regulations 2007 (SI 2007/459).

<http://www.legislation.gov.uk/uksi/2007/459/part/1/made>

Gambling Commission Guidance to licensing authorities (5<sup>th</sup> Edn)

<http://www.gamblingcommission.gov.uk/pdf/GLA/GLA.pdf>

Licence conditions and codes of practice (LCCP)

<http://www.gamblingcommission.gov.uk/pdf/Latest-LCCP-and-Extracts/Licence-conditions-and-codes-of-practice.pdf>

**Application for a premises licence  
under the Gambling Act 2005 (standard form)**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

**Part 1 – Type of premises licence applied for**

Regional Casino

Large Casino

Small Casino

Bingo

Adult Gaming Centre

Family Entertainment Centre

Betting (Track)

Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes  No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

**Part 2 – Applicant Details**

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

**Section A**

**Individual applicant**

1. Title: Mr  Mrs  Miss  Ms  Dr  Other (please specify)

2. Surname: \_\_\_\_\_ Other name(s): \_\_\_\_\_

*[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]*

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

*[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]*

## Section B

### Application on behalf of an organisation

6. Name of applicant business or organisation: ROTUNDA EQUIPMENT LEASING LTD

*[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]*

7. The applicant's registered or principal address:

ROTUNDA HOUSE, UNIT H, CONCEPT COURT, FOLKESTONE, CT19 4RH

Postcode: CT19 4RH

8(a) The number of the applicant's operating licence (as given in the operating licence):

000-037787-N-318510-001

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.

*[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]*

## Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known): Palace Amusements

11. Address of the premises (or, if none, give a description of the premises and their location):

59 WEEK STREET, MAIDSTONE, ME14 1QU

Postcode: ME14 1QU

12. Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

FORMER SHOP PREMISES

14(a) Are the premises situated in more than one licensing authority area?

No *[delete as appropriate]*

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

#### Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? No *[delete as appropriate]* *[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]*

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon	<i>hh:mm</i>	<i>hh:mm</i>	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

**Part 5 – Miscellaneous**

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? No [delete as appropriate]

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority?  
NO [delete as appropriate]

19(b). If the answer to question 19(a) is yes, please provide full details:

20. Please set out any other matters which you consider to be relevant to your application:

**Part 6 – Declarations and Checklist (Please tick)**

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/ We confirm that the applicant(s) have the right to occupy the premises.

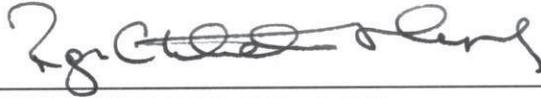
Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

**Part 7 – Signatures**

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name: ROGER ETCHELLS & COMPANY

Date: 07/10/2015 (dd/mm/yyyy) Capacity: DULY AUTHORISED AGENT

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_ (dd/mm/yyyy) Capacity: \_\_\_\_\_

*[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]*

*[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]*

**Part 8 – Contact Details**

23(a) Please give the name of a person who can be contacted about the application:

ROGER ETCHELLS

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

01530 417554

24. Postal address for correspondence associated with this application:

ROGER ETCHELLS & COMPANY, THE OLD BANK, KILWARDBY STREET, ASHBY DE LA ZOUCH

Postcode: LE65 2FR

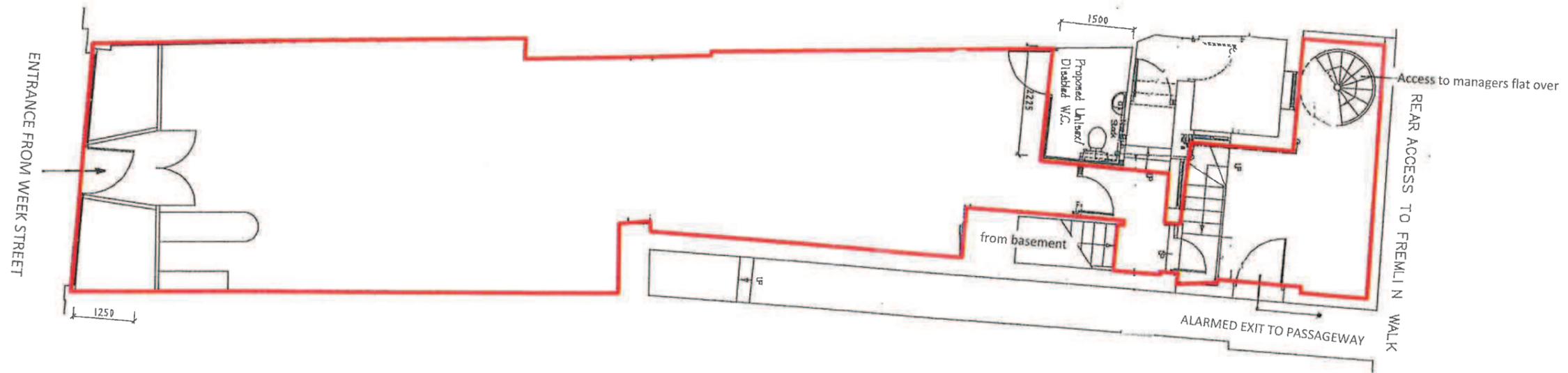
25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:



# APPENDIX C

Site Location Plan :

15



Drawing :  
Proposed Ground Floor Plans

Project:  
Licensing of Adult Gaming Centre

Address:  
59 Week Street,  
Maidstone,  
Kent,  
ME14 1QU

Scale:  
1/100



AREA EDGED RED IS THE EXTENT OF THE AREA IN WHICH GAMING MACHINES WILL BE MADE AVAILABLE

South East Property Management Limited  
Rotunda House,  
Unit H Concept Court,  
Sharnway Business Park,  
Folkestone,  
Kent  
CT19 4RG



**KENT MESSENGER**  
FRI 16/10/15

**Goods Vehicle Operator's Licence**

**Billy Colin Sissons** trading as **S&S Transport** of **29 Riverside Close, Kingsnorth, Ashford, Kent TN23 3EL** is applying for a licence to use **Brett Concrete, North Farm Lane, Tunbridge Wells, Kent TN2 3EE** as an operating centre for **1** goods vehicles and **0** trailers.

Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the **Traffic Commissioner** at **Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF**, stating their reasons within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

**Goods Vehicle Operator's Licence**

**D. Unwin Limited** of **14 Ellingham Leas, Maidstone, Kent ME15 9AQ** is applying for a licence to use **14 Ellingham Leas, Maidstone, Kent ME15 9AQ** as an operating centre for **1** goods vehicle(s) and **0** trailer(s).

Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the **Traffic Commissioner** at **Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF** stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.



**Notice of application for the grant of a Premises Licence under Section 17 of the Licensing Act 2003**

Notice is hereby given that **Mitchells & Butlers Leisure Retail Limited** has applied to **Maidstone Borough Council** for the grant of a **Premises Licence** in respect of premises to be known as **Toby Carvery, Langley Park, Sutton Road, Maidstone, Post code TN2**. The proposed licensable activities and their hours are: 1. The sale of alcohol from 10:00 until 00:00 Monday to Sunday 2. Recorded music from 10:00 until 00:00 Monday to Sunday; 3. Late night refreshment from 23:00 until 00:00 Monday to Sunday; and 4. The opening hours are to be from 07:00 until 00:30 Monday to Sunday to allow the premises to open to serve breakfast. Any representations regarding the above-mentioned application must be received in writing by Licensing Partnership, PO BOX 182, Sevenoaks, Kent TN13 1GP no later than **9th November 2015** stating the grounds for representation.

The register of **Maidstone Borough Council** and the record of the application may be inspected at the address of the council, given above, during normal business hours or on the council's website - [www.maidstone.gov.uk](http://www.maidstone.gov.uk) It is an offence knowingly or recklessly to make a false statement in connection with an application. A person is liable to an unlimited fine on conviction should such a false statement be made.

**Poppleston Allen, Licensing Solicitors, 37 Stony Street, The Lace Market, Nottingham, NG1 1LS**

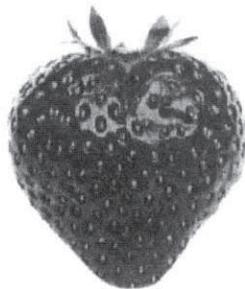
**NOTICE OF APPLICATION FOR A PREMISES LICENCE UNDER THE GAMBLING ACT 2005**

Notice is hereby given that **Roulette Equipment Leasing Ltd** of the following address: **Roulette House, Unit H, Concept Court, Follinstone, CT19 4RH** is applying for an **Adult Gaming Centre premises licence** under section 159 of the **Gambling Act 2005**. The application relates to the following premises: (to be **Palace Amusements**) **39 Week Street, Maidstone, ME14 1QL**. The application has been made to: **Licensing Team, Maidstone Borough Council, PO Box 182 Sevenoaks, Kent TN13 1GP**. Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application. Any of the following persons may make representations in writing to the licensing authority about the application: A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities. A person who has business interests that might be affected by the authorised activities. A person who represents someone in any of the above two categories. Any representations must be made by the following date: **05.11.2015**. It is an offence under section 342 of the **Gambling Act 2005** if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

**MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST**

**BOARD MEETING**  
on  
**Wednesday 21 October 2015**  
at 10.30am  
Education Centre, Tunbridge Wells Hospital  
Members of the public are invited to attend

**WE DO THINGS DIFFERENTLY**



**Kent create**

of an equine education centre, creation of parking area, indigenous hedgerows and trees.

- Reason: 4**  
**15/507908/FULL** - LAND ADJ HIGHFIELD HOUSE MAIDSTONE ROAD MARDEN KENT TN12 9AG - Change of use from traditional orchard to new build residential development comprising 4 no. two-bed and 2 no. three-bed houses, together with landscaping, parking spaces and access. **Reasons: 2, 4**  
**15/508066/FULL** - FORMER BELL INN HIGH STREET STAPLEHURST KENT TN12 0AY - Removal of condition 7 of 14/0611 (An application for the erection of 6No. dwellings (resubmission of MA/13/1887)) - scheme withdrawn and no longer required. **Reasons: 1, 4**  
**15/507941/FULL** - LAND NORTH WEST TO LODER CLOSE LENHAM KENT - Residential development of 45 two, three and four bedroom traditional two storey houses inclusive of 40% affordable housing including provision of open space, with vehicular access via Loder Close off Ham Lane. **Reason: 5**  
**15/504905/FULL** - ST MARGARET'S HOUSE GREEN LANE YALDING KENT TN12 9RS - Retrospective application for the insertion of hard standing and replacement shed. **Reason: 4**  
**15/505971/FULL** - LAND AT WIDEHURST FARM THORN ROAD MARDEN KENT TN12 9LN - Construction of a solar farm to include installation of solar panels to generate up to 5MW of electricity with switch room, deer fencing and cameras, landscaping and associated works, together with measures to promote biodiversity. **Reason: 5**  
**15/506761/FULL** - CARING HOUSE CARING ROAD LEEDS KENT ME17 1TH - Demolition of existing garden room and erection of replacement garden room under pitched tiled roof with glazed ridge. Demolition of non-original games room and alterations to utility/boiler room to form access link to new garden room. Internal alterations to convert play room to study/library, including alterations to staircase and insertion of sash window. Formation of stair tower to give new access to attic bedroom, remove non-original attic stair and convert loft to bedroom and shower room/WC. Installation of replacement attic windows in bedrooms 6 and 7, including installation of 2 no. new conservation rooflights. **Reason: 4**  
**15/507903/FULL** - MID KENT COLLEGE OF HIGHER AND FURTHER EDUCATION OAKWOOD PARK TONBRIDGE ROAD MAIDSTONE KENT - Erection of sports hall and formation of new car park with ancillary landscaping works. **Reason: 5**  
**15/508069/FULL** - HONYWOOD FARM WEST STREET LENHAM KENT ME17 2EP - Retrospective application for the conversion of tractor store to provide office space, laundry area and associated storage. **Reason: 4**  
**15/507907/FULL** - THE OLD PLANTATION PUBLIC HOUSE 33 PLANTATION LANE BEARSTED KENT ME14 4BJ - Amendment to the design of plots 2 and 3 approved under 14/504328/FULL, to include larger ground floor design to provide a larger kitchen. **Reason: 4**  
**15/507520/OUT** - BRETT HOUSE ST MICHAELS CLOSE AYLESFORD KENT ME20 7XE - Outline application with all matters reserved for erection of 5 flexible commercial yard spaces, with each containing a building of up to 500 sqm, yard spaces providing a mix of uses with associated access, parking and earthworks, retaining structures and landscaping works. **Reason: 5**

**Reasons for advertisement key:**

- 1 - May affect a Conservation Area
- 2 - Contrary to Development Plan
- 4 - May affect a Listed Building or Setting
- 5 - Major Development
- 6 - May affect a Public Right of Way

You may view the application online at <http://pa.midkent.gov.uk/online-applications> or by visiting: **Maidstone Gateway, King Street, Maidstone, Kent, ME15 6JQ (ME15 6AW** when using a Sat Nav).

Please note: All planning related correspondence for Maidstone should be sent to: **Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JG**, by the website: [www.maidstone.gov.uk](http://www.maidstone.gov.uk) or by email: [planning.support@midkent.gov.uk](mailto:planning.support@midkent.gov.uk)

Any representations should be made in writing no later than **13 November 2015**, quoting the application number. All comments will be publicly available for inspection and displayed on the website. Advert Date: 16 October 2015



**LAND DRAINAGE ACT 1991 - LOWER MEDWAY INTERNAL DRAINAGE BOARD MEMBERS OF THE BOARD**

**ELECTED MEMBERS**  
I, THE UNDERSIGNED, being the Returning Officer for the Election of Members of the Drainage Board for the several Electoral Districts of the above-named Drainage District, do hereby declare that as the number of Candidates does not exceed the number of persons to be elected, the following Candidates are elected as Members of the Drainage Board to the undermentioned Electoral Districts of the Drainage District.

Electoral District	Names of Candidates	Place of Abode	Description	Qualification
1	Mair, Stuart James Neaves, Hugh Robert	C/o Messrs. George Webb Finn 43 Park Road, Sittingbourne Grove Cottage Dungate, Milshead Sittingbourne	Chartered Surveyor & Land Agent Farmer	Nominated by Owner Ownership of Land
2	Hinge, Richard	The Farm Office Oad Street Borden	Farmer	Ownership of Land
3	Hall, Richard	C/o Tienport Investments Limited 86 Jermyn Street London	Landowner & occupier	Nominated by Owner
4	Stone, Brian	Mackay's Court High Street Lower Stoke, Rochester	Farmer	Ownership of Land
5	Attwood, Stephen Batt, Stephen Charles Gareth Fulton Lewis, John Cambell	New Hook Farm Lower Road, Eastchurch 26 Valenciennes Road Sittingbourne Kings Hill Farm Elmley, Sheerness Holm Place Farm Queenborough Road Sheerness	Farmer Farmer Farmer Farmer	Ownership of Land Nominated by Owner Nominated by Owner Ownership of Land

The above Members will join the existing Council appointed Members.

DATED the 14 October 2015.  
17 Albion Place Maidstone ME14 5ED

Michael Watson  
Returning Officer

**TRAVEL OFFERS**

Cashino Gaming Ltd  
Seebeck House  
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Milton Keynes MK5 8FR



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FAO - Ms L Neale  
The Licensing Partnership  
PO Box 182  
Sevenoaks  
Kent  
TN13 1GP

By Email and Post : [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)

Date : 3 November 2015  
Your Ref : 15/03244/GAPRE

Dear Sir/Madam,

**Application for Adult Gaming Centre Premises Licence by Rotunda Equipment Leasing Limited (T/A "Palace Amusements") for premises at 59 Week Street Maidstone ME14 1QU**

This representation is made by Cashino Gaming Ltd which operates an Adult Gaming Centre at 74 Week Street, Maidstone ME14 1RJ. In this letter the following abbreviations are used: -

"The Act" means the Gambling Act 2015;

"The GC" means the Gambling Commission;

"The GC's Guidance" means the Gambling Commission's Guidance to Licensing Authorities 5<sup>th</sup> Edition;

"The LA" means Maidstone Borough Council as licensing authority under the terms of the Gambling Act 2015;

"The LA's SoLP" means the Council's Gambling Act Statement of Licensing Principles January 2013;

"The LA's Draft SoLP" means the Council's draft Gambling Act Statement of Licensing Principles 2016-2019;

"The LCCP" means the GC's Licence Conditions and Codes of Practice – February 2015; and

"The Licensing Objectives" means those set out in S1 of the Act.



Our above-mentioned premises and the business carried on there will be affected by the above application because the two businesses would be in direct competition. However, as will become apparent, while our application is plainly motivated by completion, it is firmly based on the potential impact of the proposal on the Licensing Objectives.

For the purposes of paragraphgraphs 7.7.52 – 7.55 of the GC's Guidance and part 7 of both the LA's SoLP and the LA's Draft SoLP we confirm that: -

The size of the two sets of premises appears to be similar;

They share or will share the same 'catchment', that is, how far people travel or will travel to visit the premises (they are within easy striking distance of one another on Week Street); so

The person making this representation has business interests in that catchment area that might be affected.

In summary, our objection is that the application is so lacking in detail that the licensing authority ("LA") cannot possibly discharge its duty to: -

*Aim to permit the use of premises for gambling insofar as it thinks it is: -*

- a. In accordance with any relevant code of practice under s.24 (i.e. the LCCP);*
- b. In accordance with any relevant guidance issued by the Commission under s.25 (i.e. this Guidance); and*
- c. Reasonably consistent with the Licensing Objectives (subject to a and b above); and*
- d. In accordance with the licensing authority's statement of licensing policy (subject to a to c above)".*

That is because without far more detailed information, including but by no means restricted to plans, it is impossible to scrutinize or evaluate the impact of the proposal on the licensing objectives. As leading and reputable operators, it is vital to our interests that our commercial competitors are held to the standards that, at the GC's insistence, are applied to Cashino Gaming Limited, both in Maidstone and elsewhere.

That inability to properly scrutinize and evaluate is evident from an examination of the GC's Guidance published in updated form in September 2015. It is to be noted that the LA's SoLP and the LA's Draft SoLP pre-date the GC Guidance and, so, do not (yet, in the case of the latter document) reflect the GC's latest requirements. Of course, where there is inconsistency, the GC's Guidance must take precedence over the LA's SoLP (existing and draft) (see, for instance paragraphgraph 5.20 of the GC's Guidance).

For simplicity, we therefore frame this representation around an examination of the GC's Guidance and, where appropriate, the LCCP (N.B. the February 2015 version was introduced against the background of the GC's controversial view that; "*The starting point for the review was to affirm the central thesis on which our system of gambling is based: the principle that responsibility for delivering the licensing objectives rests first & foremost with gambling operators*". We do not accept that view but it has not yet been challenged in Court.)

Unless otherwise stated, the paragraphs referred to below relate to the GC's Guidance and in each case the point we make is that the information provided by the applicant falls far short of that required to enable the LA, or in turn, Responsible Authorities and Interested Parties (including Cashino Gaming Limited) to begin properly to assess whether the business that would result from the grant of the current application would meet the requirements of the GC in terms of the Licensing Objectives: -

Paragraph 5.1: The LA will accept that "*particularly in relation to premises licences, ...licensing authorities must have regard to the licensing objectives*". It is therefore incumbent on the LA to itself be sufficiently informed of all aspects of the proposed premises and their operation that may impact the Licensing Objectives. The bare application in this case provides no such information and we are informed that neither is there a supporting statement. Having regard to the licensing objectives necessarily involves taking "*...account of local circumstances*" (paragraph 5.2).

Objective 1 : Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime – Per paragraph 5.3, "*the licensing authority should think about what, if any, controls might be appropriate to prevent [59 week Street] being associated with or used to support crime. That might include conditions on the premises licence, such as a requirement for door supervisors*".

We ourselves do not support conditions of that sort but this particular application provides no information enabling the LA (let alone Responsible Authorities or Interested Parties) to assess the need for such a condition in the particular case.

Paragraph 5.3 connects that concern to the question of whether "*the requirement for conditions might be determined by the operator's own risk assessment or the local area profile carried out by the licensing authority, as detailed in Part 6*" [of the GC's Guidance] (see below). In this case, there is no suggestion that the applicant has done such an assessment or is even aware of the need to do so.

Paragraph 5.4 advises the LA to consider questions raised by the location of gambling premises when (inter alia): "*receiving relevant representations to an application; dealing with applications as a responsible authority in its own right; and considering applications before it*". Therefore, the process of applying for and being granted a premises licence is not a "tick-box" exercise but one that requires real scrutiny by the applicant and LA alike (and by extension, Responsible Authorities and Interested Parties so that they may make full representations if they so desire). No such scrutiny is possible here.

Paragraph 5.9 advises LA's "*to check with local operators*" which, if any, scheme or voluntary initiative they take part in relating to "*issues such as underage access, staff safety and security*". This application provides no such detail for the applicant. Of course, as per paragraph 5.10, those issues do not relate to the operator itself but to the way the premises will be run by reference to the "local circumstances" with which the LA will be concerned. Again, proper scrutiny of and comment on the application is impossible without the information.

Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling - Paragraph 5.13 advises LA's to "*consider whether staff will be able to adequately supervise the gambling premises, as adequate staffing levels is a factor to consider regarding the prevention of underage gambling*". Once again, the applicant offers no information on this count while the plan accompanying the application provides no material information either (see further below). Less still does it feature the essential tools and layout detail that reputable operators take into account in planning their premises in terms of the Licensing Objectives.

As in other contexts, we reserve the right to expand our representations on matters of supervision and control if and when full details of the applicant's intentions are provided. Paragraph 14 sets out some of the issues that one would expect to be covered in this area.

The apparent lack of information is also relevant in the context of paragraph 5.17 regarding the specific location of 59 Week Street in relation to the presence of the sort of "vulnerable groups" mentioned there. We are surprised that the applicant has not identified or addressed the issues arising from the proximity of a number of centers for those who may need counseling for debt, gambling, poverty and behavioral issues. That the applicant should be expected to address these matters is perhaps emphasized by the undoubted over-proliferation in the immediate area of betting offices and their commensurate fixed odds betting terminals (see also local risk assessments, below).

Paragraph 5.19 - Of course, the LA is obliged to "*aim to permit gambling*" but only insofar as it thinks it is in accordance with the LCCP; the GC Guidance; and the LA's own statement of licensing principles and "*is reasonably consistent with the licensing objectives*". Once again, how can those obliged or entitled to scrutinize the application do so without a detailed explanation of the facilities proposed; the control and supervision of the premises; and the applicant's risk assessment. These are absent in this case.

Indeed, as per the GC's advice (paragraph 5.20), "*the licensing authority may not [licence the premises] ... unless satisfied that such use would be in accordance with this Guidance, any relevant Commission Code of Practice, its own statement of policy, and the Licensing Objectives*".

Paragraph 6.33 provides a further example of the way in which the GC's advice has moved on since the LA's SoLP (an advance that the LAs draft SoLP does not reflect) in drawing attention to the need to consider "*the licensing authority's local area profile and ...[e.g.]... the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children*". The LA in this case has not yet decided whether to prepare a Local Area Profile but it may well do so in which case a cautious approach to matters that it might inform is warranted, meantime. Against that background, the LA will presumably wish to be particularly vigilant in its scrutiny of the current application (see further comments re paragraphs 6.47 - 6.53, below).

Paragraph 6.38 draws attention to the possibility or advisability of imposing conditions on any licence granted – again, without far more information in support of the application, how can the need for such conditions be assessed?

Paragraphs 6.41 – 6.46 deal with Local Risk Assessments, a new concept postdating the LA's own current and draft Statement of Licensing Principles. Despite the fact that the new provisions will not be mandatory until April 2016, the LA will surely want to call on current applicants to provide such an assessment as a matter of good practice. The provisions warrant setting out and speak for themselves: -

*"Social responsibility code provision 10.1.1 - Assessing local risk*

*All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary Licensees must 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. In making risk assessments, Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.*

*Licensees must ..... in any case, undertake a local risk assessment when applying for a new premises licence.*

*Ordinary code provision 10.1.2 - Sharing local risk assessments*

*All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.*

*Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request."*

Part 7 of the GC's Guidance deals specifically with Premises Licences with paragraph 7.5 referring to the "Meaning of Premises". In this regard, the application is misleading or obtuse in failing to describe the premises only by reference to the ground floor. The plan discloses both a first floor and basement (are there further upper floors?) but no detail is given. The application should therefore be rejected so that the meaning of the premises can be clarified. A fresh application properly identifying what is to be used for gambling could then be properly scrutinized and evaluated. The relevance of the issue is obvious: what facilities are planned (and where will they be) and how will supervision and control be effected?

Paragraph 7.28 draws attention to the risk that *"Products made available for use in gambling premises will often contain imagery that might be of particular appeal to children or young people. For example, cartoon imagery that is ubiquitous on gaming machine livery. Where any such product is sited on age- restricted premises or in the age- restricted area of premises (and in particular, if sited close to the entrance or threshold and therefore visible to children or young people), Licensees should consider whether it might risk inviting under 18s to enter the restricted area".* The applicant has not mentioned what products or related imagery may be provided, let alone addressed the

risks that the GC has highlighted. A condition addressing that risk might, for instance, be appropriate – we simply do not know.

Paragraph 7.29 raises the risk that operators may not *“ensure that their policies and procedures for preventing underage gambling take account of the structure and layout of their gambling premises. This therefore requires Licensees not only to be able to supervise their premises but also that they should mitigate the risks of under 18s being attracted to enter premises by the products available within them”*. This risk has particular relevance to 59 Week Street with its secondary, remote access from Fremlin Way and the uncertainty as to what is proposed for the basement and upper floors.

Paragraphs 7.44, 7.46 and 7.60 relate to the detail provided on plans. In this case the plan shows no material detail beyond a delineation of the ground floor. Per paragraph 7.44, the GC disparages the use of plans *“of the premises... only contain[ing] an outline of the licensed premises and the exit points without, for example, the location of the gaming machines and counter”*. It goes on to advise (paragraph 7.46): *“The Regulation states (other than in respect of a track) ‘...the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence’. However licensing authorities may consider that this minimum requirement is not sufficient to satisfy them when determining if the application is in accordance with s.153 principles, namely the licensing objectives, this Guidance and the Commissions’ codes of practice – in particular the social responsibility codes – and the licensing authorities’ own statement of policy. If the application and accompanying plan are insufficient, the licensing authority should ask for more information from the applicant”*.

In this case, it is not just the plan that is deficient – the entire application is unspecific to the point of being misleading. It will not therefore be enough to ask for more information. In our submission, the application should be refused or rejected so that if it is then resubmitted with the appropriate level of detail, the LA, Responsible Authorities and Interested Parties may properly evaluate and comment on it. Indeed, paragraph 7.60 supports the wider point that the interests of natural justice dictate that those commenting or having the right to comment on an application must have access to all the facts and have full opportunity to consider them before being expected to frame their representations. Inter alia, a failure to recognize that principle would leave any decision to grant the application open to judicial review.

For completeness, paragraphs 7.52 to 7.55 deal with “Representations”. As explained at the beginning of this representation, Cashino Gaming Limited is unquestionably an Interested Party (applying the criteria set out in paragraph 8.15). Accordingly, this representation is required to be considered by the LA as “admissible”. It is clearly “relevant” because it concerns the application of the licensing objectives but it is neither “frivolous” nor “vexatious”. We have no history of making “irrelevant” representations; this representation raises numerous relevant and important issues; and those issues relate to the specific premises in question.

Finally, we note that the premises are owned by Godden Nine LLP and charged to West One Loan Limited. The applicant has produced no evidence of its right to occupy the premises (including the consent of the charge). A right to occupy is a legal pre-requisite to the grant of a premises licence (S 159(5)).

For the reason set out above, we invite the refusal of the application so that, if the applicant wishes to pursue its development, it can reapply presenting a clear and full description of what it involves and specifically addressing the issues to which the GC's Guidance draws attention.

While we do not believe such a course would be lawful (and we must therefore reserve our position should the LA adopt it), an alternative to refusal would be for the application to be suspended while a full supporting statement is supplied. The application would clearly need to be re-advertised and all information made available to Responsible Authorities and potentially Interested Parties on the LA's website. A full 28 day period would then be required for those interested to assimilate and comment on the application, as supplemented by the additional information.

We look forward to hearing from you.

Yours faithfully,



Byron Evans  
Commercial Director

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Email : byronevans@praesepeplc.com



FAO - Ms L Neale  
The Licensing Partnership  
PO Box 182  
Sevenoaks  
Kent  
TN13 1GP

By Email and Post : [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)

Date : 6 November 2015  
Your Ref : 15/03244/GAPRE

Dear Ms Neale,

**Application for Adult Gaming Centre Premises Licence by Rotunda Equipment Leasing Limited (T/A "Palace Amusements") for premises at 59 Week Street Maidstone ME14 1QU**

I refer to David Biesterfield's conversation with you this morning when I understand that you confirmed that you had already passed Cashino Gaming Ltd's representation regarding the above application to the Council's legal department (for the avoidance of doubt Mr Biesterfield acts with the full authority of Cashino Gaming). I repeat Mr Biesterfield's apologies for having to make the point but, as he explained, were the Licensing Authority to reject the central point of Cashino Gaming Ltd's representation to the effect that the application should not be granted at least until sufficient information has been supplied to enable its proper scrutiny (by the Licensing Authority, Responsible Authorities and Interested Parties) in terms of its potential impact on the licensing objectives ("the central point"), then I am advised that such a decision would be susceptible to judicial review.

The Commission's Guidance to Licensing Authorities makes very clear the range of issues and the degree of scrutiny that are respectively, to be weighed in the balance and applied by Licensing Authorities when considering a new application and, given the statutory scheme's emphasis on the giving of notice and the right of Responsible Authorities and Interested Parties to make representations, it is vital that such parties, in addition to the Licensing Authority itself, have a full opportunity to consider the application and supporting information in the round.

Our immediate concern relates to process. Given that, on advice, Cashino Gaming Ltd would wish to judicially review any decision to grant the licence applied for ahead of the provision to the Council and supply to third parties of the requisite additional information, it would be unnecessarily and unfairly pre-emptive to proceed to grant and issue the licence without giving Cashino Gaming Ltd fair notice of any such intention enabling it to apply for judicial review and, if necessary, to seek an order of the Court prohibiting the issue of the licence pending determination by the Court of the

substantive issues arising from the representation. Of course, if as we expect, the Council accepts the above-mentioned central point, no such proceedings would be necessary.

Accordingly and as a matter of urgency, please:

- Forward this email to your legal department;
- As you indicated to Mr Biesterfeld, provide me with the name and full contact details (including a direct-dial telephone number) of the member of the Council's legal department who is dealing with the matter;
- Confirm, or have the Council's legal department confirm, the Council's acceptance of the central point and, assuming the Council does accept that point, how it intends, henceforth, to deal with the current application;
- If the Council does not accept the central point, confirm a reasonable period for Cashino Gaming Limited to consider its position and to issue proceedings for judicial review and, in those circumstances, provide the Council's undertaking not to issue the licence until, we suggest, substantive issues arising from the issue of proceedings have been determined by the Court. At the very least, we respectfully request such an undertaking to apply until the Court has considered an application for an interim order prohibiting such issue pending that determination of substantive issues. We invite the positive engagement of your legal department with our solicitors in the drafting of an agreed undertaking. Of course, we accept that a practical solution avoiding the necessity of proceedings would be for the applicant to reapply with the requisite information in support.

I look forward to hearing from you.

Yours sincerely,



Byron Evans  
Commercial Director

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RGEre  
12 November 2015

Licensing Team  
Maidstone Borough Council  
PO Box 182  
Sevenoaks  
TN13 1GP

(and by email)

Dear Sirs

**Gambling Act –Premises Licence Application - 59 WEEK STREET, MAIDSTONE,  
Application by Rotunda Equipment Leasing Ltd**

I have considered the representations submitted by Cashino Gaming Limited dated 3 November 2015 and, for the reasons set out below invite your authority to dismiss them as frivolous and vexatious; no more than an attempt to avoid commercial competition. I further invite you to grant the licence sought without a hearing.

I note that no other trader or individual has objected to the application.

My response to the objectors assertions are as follows:-

1. The primary objection underlying most of the detailed points made in the 7 page letter is that the application lacks detail. In this context it is important to note that the regime under the Gambling Act is different from that which applies under the Licensing Act. Whilst the Licensing Act application form takes the form of a 'licensing schedule' the Gambling Act form is quite different and does not require the same detail or information (presumably it was deliberately designed that way). Further, whilst Licensing Act applications are required to 'promote' all the licensing objectives those under the Gambling Act only have to be 'reasonably consistent' with them. There is, of course also, the presumption that the Licensing Authority should 'aim to permit' Gambling Act applications.
2. Although it is said that the application lacks detail it is consistent with the Councils 'Guidance Notes' for applicants. Further, its format is consistent both with the Councils existing and draft Gambling Act policies (and Gambling Commission guidance). The proposition that it should be refused for lack of information (page 7 of the objection) is novel but wholly without merit. Further, the suggestion that the application could be held in abeyance whilst further information is provided is equally lacking in merit. The objector reserving its position (to seek Judicial Review) is an unfortunate and unworthy threat. It is a threat plainly intended to intimidate and influence your authority's processing of an application which it is perfectly well able (and experienced) to process.



3. It is to be noted (bottom of page 2) that the objectors further comments are 'framed around' the Gambling Commissions Guidance to Licensing Authorities and the Licence Conditions and Codes of Practice (both introduced this year) although they make the rather surprising comment that they do not accept the Gambling Commissions advice that '*...responsibility for delivering the licensing objectives rests first and foremost with gambling operators.*' Insofar as the objections conflict with that proposition (which they mostly do) I invite your authority to dismiss them. In particular, I invite you to set aside the objections on the next 5 pages which rely on the assertion that the applicant has provided insufficient information.
4. It is not clear (middle page 2) whether the objector has seen the application or whether it is genuinely interested in finding out more about it. The individuals who run the applicant company are well known to the author of the objection letter and I have known him for almost 30 years. If he had any queries (like your licensing officer) he could have raised them with me. The fact that he did not suggests that the motivation of the objection is simply to cause maximum delay or to derail the application for their commercial benefit not genuinely to seek more information.
5. Apparently criticising your Council because it has not '*checked with local operators (about) issues such as underage access..etc*' is, it seems to me, impertinent. Significantly that the objector has no evidence to put forward on the subject.
6. It is surprising that the objector should criticise the format of the application plan (and later suggests it is misleading) given that the same format has been used in their applications over the years (at least based on the 30 - 40 applications I have dealt with on their behalf under the 2005 Act). The application plan is perfectly clear with the area the applicant seeks to licence edged red. It complies with the regulations. Indeed, your authority (nor any of the Responsible Authorities or any member of the public) has raised any queries or sought further information. The objector comes back to the alleged inadequacy of the plans on pages 4, 5 and 6. Those criticisms have no merit for the same reasons.
7. Although the objector criticises the absence of reference to 'vulnerable groups' in the application it puts forward no evidence from its experience of trading in Maidstone which suggests there is a problem.
8. The reference to the 'over-proliferation' of betting offices approved in Maidstone is irrelevant to this application but strange given the fact that they omit to say that one of the adult gaming centres in the town has recently closed.
9. The final line of page 4 indicates the objector refers later to paragraphs 6.47 – 6.53 of the Guidance to Licensing Authorities. I can find no such reference.
10. The objector suggests your authority call on the applicant to provide a 'Local Risk Assessment' (most of page 5). I do not believe it has the power to do so since the provision relating to these documents does not come into force until April 2016 (as the objector acknowledges). As the objector knows full well my clients are aware of and preparing for this forthcoming obligation.

11. The references to paragraphs 7.28 and 7.29 (bottom of page 5) are matters to be considered by operators when open and trading (which the applicant will).
12. Practically the only reference to this particular application is on page 6 (you may have noticed that the others are largely 'all purpose' objections) in relation to the ownership of the property. I understand that my clients have previously provided you with a copy of their lease. This point has no merit either. It highlights the fact that this is a generalised objection largely unrelated to the application. It is a frivolous and vexatious objection which I invite you to dismiss at this stage and to grant the application without the need for a hearing.

Please let me know if I can assist further.

Yours faithfully



Roger EtcHELLS FRICS  
Email: [roger@rogeretcHELLS.co.uk](mailto:roger@rogeretcHELLS.co.uk)

Maidstone Borough Council

dbiesterfield@btinternet.com

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www.maidstone.gov.uk25 November 2015  
My ref: 15/03244/GAPRE  
Your ref:  
DX:

Dear Mr Biesterfield

**Palace Amusements – Application for an Adult Gaming Centre  
59 Week Street, Maidstone, Kent, ME14 1QU**

The provisions of Part 8 of the Gambling Act 2005 require the licensing authority to consider the admissibility (s 158(b)) and relevance (s 162(3)) of interested party representations. Your letter of representation, dated 3<sup>rd</sup> November, 2015, state that you have *business interest in [the] catchment area that might be affected*; your representation does not state how your business interest might be affected. Can you please supply details within 14 days setting your business interests and how these might be affected by the authorised activities sought by the applicant; in the event of any such preliminary hearing you will be given the opportunity to make submissions to the licensing sub-committee.

The question of admissibility and relevance will then be reviewed by officers; in the event of any doubt the question of admissibility and relevance will be put to the licensing sub-committee as preliminary issue prior to the determination of the application.

Yours sincerely

Lorraine Neale  
Senior Licensing Officer  
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dbiesterfield@btinternet.com

Please ask for: Robin Harris  
Telephone: 01622 602 247  
My ref: M007138  
Your ref:  
Date: 25 November 2015  
Email: robin.harris@MidKent.gov.uk

Dear Mr Biesterfield

**59 Week Street (Palace Amusements) - Gambling Application Advice**

With reference to s 159 of the Gambling Act 2005 and Part 2 (Form and Content of Applications) and Part 3 (Notice of Application and Period for Representations) of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 (SI 2007/459) could Cashino Gaming Ltd set out the legal basis upon which an applicant for a premises licence pursuant to Part 8 of the 2005 is required to give notice of what you have termed 'the supporting information in the round'. Essentially, in what way and to what extent has the applicant failed to comply with the procedural requirements of the Act and the regulations made thereunder?

Yours sincerely



Robin Harris  
Senior Lawyer (Contentious)  
Mid Kent Legal Services

For and on behalf of John Scarborough  
Head of Legal Partnership and Monitoring Officer

## Maidstone Borough Council

Alison Broom  
Chief Executive

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Mr R Etchells  
The Old Bank  
Kilwardby Street  
Ashby-de-la-Zouch  
Leicestershire  
LE65 2FR

(and by email)

25 November 2015  
My ref: 15/03244/GAPRE  
Your ref:  
DX:

Dear Mr Etchell

**Gambling Act –Premise Licence Application- 59 Week Street, Maidstone, Kent, ME14 1QU.**  
**Application by Rotunda Equipment Leasing Ltd**

While the application is compliant with the requirements of s 159 of the Gambling Act and the Regulations made thereunder there is some concerns that the plan submitted with the application is insufficient in that it fails to sufficiently specify the location and extent of any part of the premises in which the gaming machines will be made available (see Reg 4(6) of the Gambling Act 2005 (Premises Licence and Provisional Statements) Regulations 2007 (SI 2007/459)). The current plan shows the extent of the premises to be licensed including the area of the window display and the rear passage and what seems to be the rear exit / back office area – it cannot be intended that gaming machines will be made available in these areas.

While the application – save for the plans – is compliant with the requirements of s 159 of the Act and the Regulations thereunder. The applicant will be aware that the licensing authority in exercising its discretion pursuant to s 153 needs to apply the principles set out in that section. You are invited to submit supporting documentation to demonstrate that your application and proposed operation at these premises in this particular location are in accordance with the Licence Conditions and Codes of Practice (February, 2015 (as updated April, 2015)), the Guidance to licensing authorities (5<sup>th</sup> Edn, September, 2015), consistent with the licensing objectives under the Act and on accordance with the Maidstone statement of licensing principles.

When submitting any supporting documentation please indicate any matters of confidential or commercially sensitive nature; please indicate which of the supporting documentation may be made publicly available or inspected by interested third parties. We also ask that you provide these additional documents and information within 14 days.

Yours sincerely



Lorraine Neale

Senior Licensing Officer

**t** 01622 602028 **f** 01622 602403

**e** [lorraineneale@maidstone.gov.uk](mailto:lorraineneale@maidstone.gov.uk)

**From:** David H Biesterfield [dbiesterfield@btinternet.com]  
**Sent:** 08 December 2015 12:46  
**To:** Lorraine Neale  
**Cc:** Robin Harris  
**Subject:** Re: Palace Amusements – Application for an Adult Gaming Centre

Dear Ms Neale,

I refer to your letter of 25.11.15 & also to my email reply of today's date to your colleague Robin Harris' letter of the same date. I suggest both my responses be read together as they overlap.

In reply to your question, the manner in which my client's business would be affected for the purposes of S158 of the Act was explained in the first paragraph & at the bottom of the first page of the representation but to expand on that issue it is to be noted that the test of "business interests that might be affected by authorised activities" does not exclude those of businesses with which new, proposed premises will compete (see also para 426 off the Explanatory Notes to the Act). Indeed, paras 8.14 & 8.15 of the GC's Guidance are, in effect, explicit that ownership of a business like that of my client in Week Street will make that owner an Interested Party.

As my client's representation makes clear, its objection is not based on demand but on the principle that competitors should not be entitled to a license unless the process & any decision leading to its grant satisfies the statutory & regulatory requirements of the overall scheme as I describe them in my email of today's date to Mr Harris.

In short, my client operates an AGC at 74 Week Street (as is well known to the licensing authority); those premises serve substantially the same catchment as would the premises to which the application applies & so the two sets of premises would be in direct competition (given their proximity, it would be inconceivable that the two AGC's would not directly compete); based on my client's substantial commercial experience, the additional competition that the new proposed premises would represent, would serve to substantially reduce the level of business attracted by my client's premises &, accordingly, the profits of my client's business (the extent will be fully assessable only after the event, should the new application succeed).

That explains the perfectly proper motivation for my client's representation (i.e. it cannot be said to be vexatious or frivolous). The reason why the licensing authority should accept it & apply the approach that it suggests is because the substance of the representation is directed at & relevant to the Licensing Objectives & the licensing authority's duty as set out in S153 of the Act.

I hope that answers your specific question & look forward to hearing further from you regarding the hearing anticipated by your letter.

Yours sincerely,

David Biesterfield

## Consultant to Cashino Gaming Limited

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## APPENDIX L

**From:** David H Biesterfield [dbiesterfield@btinternet.com]  
**Sent:** 08 December 2015 12:55  
**To:** Robin Harris  
**Cc:** Lorraine Neale  
**Subject:** Re: Letter re Judicial Review

Dear Mr Harris,

I have now been able to take instructions on your letter of 25th November. May I please ask you to re-read my client's representation of 5th November which I suggest contains the information you have requested in your above letter. However, to further assist, the approach I invite the Council to take follows the statutory and regulatory chain (unless otherwise stated, I use the same defined terms as those used in the original representation):

1 The Act is the starting point & specifically (I cover, below, only those provisions applicable up to the hearing of an application):

- S1: which sets out the Licensing Objectives. As you will readily accept, these underpin the entire statutory & regulatory scheme;
- SS20 & 22: which respectively establish the GC & its duty to promote the Licensing Objectives. The duty of the GC to permit gambling is qualified by the GC's obligation to ensure that such gambling is "consistent with the pursuit of the licensing objectives";
- SS23 & 24: which, respectively, require the GC to prepare a statement of principles for licensing & regulation codes of practice (N.B. in considering the LCCP, it is important to recognise the difference between the codes, the provisions of which do not, of themselves, make a person in breach of a provision liable to criminal or civil proceedings, and the conditions which do. The latter, by extension, include the social responsibility provisions of the codes);
- S25: which provides for the GC's Guidance (now, in its 5th edition). S25(2) requires the licensing authority to have regard to the guidance. Thus, your Council is not absolutely required to follow the GC's Guidance but, I am sure, would expect to have good reasons not to. Please see, also, the next bullet point & let me know if & the full reasons why Maidstone might, in this instance, take that decision;
- S153: which sets out the principles to be followed by your Council in exercising its functions (including its consideration of the current application). Inter alia, it must be satisfied that the use of the premises in question will be (a) "in accordance with any relevant code of practice..."; (b) "in accordance with any relevant guidance issued by the Commission..."; & (c) reasonably consistent with the licensing objectives (subject to (a) & (b))". That means that the requirements of (a) & (b) must first be

considered & the licensing authority's satisfaction in terms of compliance with them be established before consideration of (c). Of course, the licensing authority's required "aim to permit" is qualified by it being required to consider every application against the provisions of S153 (a)-(d), inclusive;

- S154: which deals with delegation - I draw attention to S154 (4)(a);
- SS157 & 158: which define Relevant Authorities & Interested Parties. I mention these provisions, & in passing S160 (notices), only as a reminder of the central role of these various parties in the statutory licensing framework. In further passing, it is noteworthy that the test of "business interests that might be affected by authorised activities" does not exclude those of business's with which new, proposed premises will compete (see also para 426 off the Explanatory Notes). Indeed, paras 8.14 & 8.15 of the GC's Guidance are, in effect, explicit that ownership of a business like that of my client in Week Street will make that owner an Interested Party. As my client's representation makes clear, its objection is not based on demand but on the principle that competitors should not be entitled to a licence unless the process leading to its grant satisfies the statutory & regulatory requirements of the overall scheme, as I am presently describing it, & decisions made under it;
- S159 (specifically referred to in your letter): which prescribes the pre-requisites of a *valid* application. It deals with validity, not whether a valid application should be granted. To be clear, my client does not currently suggest that the application is invalid (although its position remains reserved on that point should an irregularity appear) – only that, in its present state lacking as it does the necessary information to which my client's representation refers, it should not be granted. In short, the applicant has, as you put it, "failed to comply with the procedural requirements of the Act and the regulations made thereunder" not in having lodged an invalid application but in having failed to supply the requisite information without which the licensing authority cannot discharge its licensing function as outlined above. Given the role that the Act gives to Responsible Authorities & Interested Parties, it would plainly be wrong on procedural & natural justice grounds for any such information not to be shared with them with sufficient time for them to consider & respond to it. I hope that answers the specific question contained in your letter;
- S161: which sets out the requirements for representations;
- S162: which establishes the need for a hearing in this case. I do not think that you or Ms Neale suggest that my client's representation is either vexatious, frivolous or "will certainly not influence..." determination of the application. To reach any such view would

plainly carry a heavy onus. If such a suggestion is being made, please confirm that to be the case & explain the reasoning behind it;

2 The Act is supported by the Gambling Act (Premises Licences and Provisional Statements) Regulations 2007 but nothing additional turns on them at this stage. My client's representation deals with the issue of the plan lodged in support of the application;

3 It is also appropriate to refer to para 6(j) of The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 which requires the licensing authority to specify, in its notice of hearing, "...the matters, if any, on which the relevant committee considers at the time that it will want clarification at the hearing from a party". If the validation prerequisites were all that was required for the grant rather than the validation of an application, that provision would be otiose. I suggest that the matters to be referred to in this case are those detailed in my client's representation.

I have replied separately to Ms Neale's letter but suggest that both responses be read together as they overlap.

I look forward to hearing from you.

Yours sincerely,

David Biesterfield

**Consultant to Cashino Gaming Limited**

**GAMBLING ACT 2005**

**APPLICATION AT 59 WEEK STREET, MAIDSTONE, ME14 1QU**

**RESPONSE ON BEHALF OF ROTUNDA EQUIPMENT LEASING LTD TO  
MAIDSTONE BOROUGH COUNCILS LETTER OF 25 NOVEMBER 2015**

**ROGER ETHELLES & Co  
THE OLD BANK  
KILWARDBY STREET  
ASHBY DE LA ZOUCH  
LEICESTERSHIRE  
LE65 2FR**



## 1. INTRODUCTION

- 1.1 This document responds to the Council's letter of 25 November 2015 in relation to the application for an Adult Gaming Centre premises licence at 59 Week Street, Maidstone by Rotunda Equipment Leasing Ltd.
- 1.2 The applicant is one of a group of companies in the ownership of and run by members of the Godden family based at Unit H, Concept Court, Folkestone CT19 4RH. The group operates 15 adult gaming centres and 3 bingo premises in Kent and the Greater London area as well as a number of unlicensed Family Entertainment Centres.
- 1.3 The application is opposed by Cashino Gaming Ltd who (whilst we have not seen their licence) operate Adult Gaming Centre premises at 74 Week Street, Maidstone. According to their website Cashino operate 150 high street venues and the 'Beacon' chain of bingo clubs.
- 1.4 The application premises are on the west side of Week Street opposite Primark not far from the objectors premises and in what would generally be regarded as a better retail location.

## 2. THE APPLICATION PLAN

- 2.1 The Council's correspondence says (letter of 25 November 2015) that *'the application is compliant with the requirements of s 159 of the Gambling Act and the Regulations made thereunder'* but has *'concerns that the plan submitted with the application is insufficient in that it fails to sufficiently specify the location and extent of any part of the premises in which the gaming machines will be made available'*.
- 2.2 It is noted that there is no suggestion that the application is not compliant with Regulation 4(2) which refers to the requirements of plans for applications for all kinds of premises. The *'concerns'* refer solely to Regulation 4(6) which requires the plan to *'show the location and extent of any part of the premises in which gaming machines will be made available for use'*. In this case the gaming machines will be in the area edged red on the plan.
- 2.3 It should also be noted that the applicant is not required to:-
- Use any form of edging, colouring or shading for the area in question.
  - Show the precise position of machines (or any other facilities) within the area *'in which gaming machines will be made available for use'*.
  - Show an area exclusively for gaming machines. There will, inevitably, be other facilities (for example counters, change machines, ATMs, drinks machines etc) as well as circulation space adjacent to and around the gaming

machines and in this same area. It would be impossible to define the 'gaming machine' area excluding these other elements.

- 2.4 Accordingly the terminology of Regulation 4(6) is not exclusive but inclusive. That is to say it covers the area in which the gaming machines are to be situated as well as the necessary circulation and customer space round them and, inevitably, the other facilities the premises will provide. In the circumstances the Regulation cannot be interpreted to mean that the area to be shown is an area to be used for gaming machines only – as seems to be suggested by the Council's query. Equally it cannot be interpreted to mean the operator must have machines at all times in every square metre of the area outlined.
- 2.5 Turning to the application premises, it is intended that there will be machines in the main body of the premises (the former shop) and in the rear yard which will be used as a customers smoking area. The corridor enabling circulation between those areas is included in the 'red-lined' area for the sake of convenience even though there may not be machines there.
- 2.6 The Council's letter queries why the window display areas are included in the red-lined area. I took the view that although it is intended that there will be window displays on either side of the door the extent of those displays may vary (they may perhaps at some time in the future be reduced) and the displays may perhaps include gaming machines and therefore it would be prudent to include them in the 'red-lined' area. As it is inclusive rather than to show where only gaming machines will be located it is a perfectly legitimate approach.
- 2.7 I should just deal with the issue of placing machines in the rear yard for the use of smokers. It is a facility most operators of premises of this kind, bingo clubs and the like (including the objector) seek to offer. There will be no separate access from the rear by the public into this area. It will have an emergency exit which will be alarmed to ensure its proper use. The rear area will be supervised as required by staff and covered, like the interior and external frontage of the premises, by CCTV. The CCTV system will have a secure recording system.

### **3. SUITABILITY & MANAGEMENT**

- 3.1 The applicant company is run by Jeremy and Jordan Godden (both shareholders) and Chief Operating Officer Stephen Lawrence. The latter was formerly an employee of the objector, Cashino Gaming Ltd. All have extensive experience in running premises of the kind envisaged. Managers/manageresses of the applicants premises report directly to the members of this management team.
- 3.2 The company is a member of the trade organisation BACTA and Jeremy Godden is Chairman of the Southern Section as well as a member of its National Council. BACTA is not just a representative trade organisation; it has developed

compliance policies approved by the Gambling Commission and runs a 'mystery shopper' scheme which is compulsory for members. This scheme tests general compliance and specifically tests compliance with age restrictions. The applicant has adopted BACTAs compliance policies (known as the 'Toolkit')

3.3 Unlike in the field of liquor licensing there is a further tier of control over gambling operators in the form of the Gambling Commission from whom an Operating Licence is required before a Premises Licence of the kind sought can be obtained. The Commission has ongoing scrutiny of licence-holders through enforcement officers who carry out structured inspections of operators premises.

3.4 Under the heading 'How operating licences are granted' in its Guidance to Licensing Authorities the Gambling Commission says:-

*'In considering whether to grant an operating licence, and any conditions that may be attached, the Commission has regard to the licensing objectives, and to the suitability of the applicant, in terms of integrity, competence and finances (including source of finance). The Commission also takes into account the business model proposed and its likely compatibility with the law and the licensing objectives.'* (paragraph 2.7)

It is fair to say, therefore, that in addition to the scrutiny of the applicants policies and procedures by the Council the applicant also has to satisfy the Gambling Commission in relation to those procedures initially when seeking an Operating Licence and thereafter on an ongoing basis.

3.5 There would be 2 uniformed members of staff on duty at all times. The management team is available to the manager by phone throughout trading hours and a member of that management team visits each site at least 4 times a week. Further, the CCTV system is accessible by the management team remotely enabling them to observe the premises at any time wherever they may be and to communicate with staff.

#### **4. COMPLIANCE POLICIES**

4.1 We have been asked to show that applicants are compliant with the Licence Conditions & codes of Practice published by the Gambling Commission. It is a condition of the grant and continued holding of an Operating Licence that an operator complies with the Licence Conditions and therefore compliance with them is a matter for the Commission. Strictly speaking it is the related Codes of Practice which a local authority has to test an application against (see below).

4.2 The licensing objectives (Section 1 of the Act) are:-

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

- *ensuring that gambling is conducted in a fair and open way*
- *protecting children and other vulnerable persons from being harmed or exploited by gambling.*

4.3 The discretion of a licensing (local) authority is as follows (from Section 153 and paragraph 4.9 of the Guidance to Licensing Authorities):-

*S.153 provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it is:*

- a. in accordance with any relevant code of practice under s.24*
- b. in accordance with any relevant guidance issued by the Commission under s.25*
- c. reasonably consistent with the licensing objectives (subject to a. and b. above), and*
- d. in accordance with the licensing authority's statement of licensing policy (statement of policy) (subject to a. to c. above).*

4.4 It is to be noted that a local authority should '*aim to permit*'; a presumption which is different from the approach authorities take under the Licensing Act.

4.5 The applicants policies (the BACTA Toolkit attached) ensures compliance with the Codes of Practice referred to above and in Section 24 of the Act (it therefore complies with **a** above – from section 153 of the Act).

4.6 I have dealt with the nature and running of the proposed premises and the various other issues raised in the 'Guidance to Licensing Authorities' in the context of the information provided in this document. The proposal accords with the Commissions guidance and therefore it complies with **b** above – from section 153 of the Act.

4.7 The proposal is 'reasonably consistent' with the licensing objectives (set out in paragraph 4.2 above). The management, layout and supervision proposed, the CCTV, the applicants policies will (as they do elsewhere) ensure that the premises are not a source of crime and disorder and that children and the vulnerable are protected from harm. Accordingly the proposal complies with **c** above – from section 153 of the Act.

4.8 Equally BACTA Toolkit ensures compliance with the Councils current (2013) 'Statement of Gambling Principles', in particular its approach to the Licensing Objectives and the specific guidance on the licensing of Adult Gaming Centres (page 25). The latter refers to a number of issues:-

- *Proof of age schemes* – dealt with in the 'Toolkit'
- *CCTV* – a comprehensive system inside and outside at front and back.
- *Supervision of entrances / machine areas* – sufficient staff on duty

- *Physical separation of areas* – not applicable
- *Location of entry* - not applicable
- *Notices/Signage* – both at the entrance and inside
- *Specific opening hours* – controlled by planning permission
- *Self-barring schemes* - dealt with in the 'Toolkit'
- *Provision of information leaflets/helpline numbers for organisations such as GamCare.* - dealt with in the 'Toolkit'

4.9 It is also compliant with the draft revised 'Statement of Gambling Principles'. As a result it complies with **d** above – from section 153 of the Act.

4.10 The proposal is therefore consistent with the 4 factors against which an application should be tested in section 153 of the Gambling Act.

4.11 The sole (trade) objector has raised every conceivable objection to the application. Whilst not dealing with each objection in turn (please see my letter of 12 November for that) I consider I have, by reference to the applicants arrangements and policies dealt with all issues raised. I have not dealt with the criticism of the applicants failure to prepare and submit a 'local risk assessment' as referred to in paragraphs 6.41 – 6.44. These are not required until April 2016 when the applicant will ensure it is compliant.

## **5 CONCLUSION**

5.1 The application plan complies with the relevant provision in the regulations.

5.2 The operation of the premises is compliant with the Gambling Commissions Codes of Practice and Guidance to Licensing Authorities, with the Councils current and emerging Statement of Licensing Policy and is consistent with the Acts Licensing Objectives.

**R G Etchells FRICS**

**Roger Etchells & Co**

**December 2015**



**TOOLKIT FOR**

**POLICY & PROCEDURE**

**SYSTEMS**

**AGCs & FEC ADULT AREAS**

**COMPREHENSIVE GUIDE TO LCCP**

**REQUIREMENTS**

**VERSION 15 – FEBRUARY 2015**  
**IN EFFECT FROM 8 MAY 2015**



GAMBLING ACT 2005  
Licence Conditions and Codes of Practice  
Adult Gaming  
&  
Licensed Family Entertainment Centres  
*Policy Procedure Documents, Logs, Forms & Records*

*Source of Reference*  
*Gambling Commission*  
*Gambling Codes of Practice*  
*Consolidated for all forms of gambling*  
*February 2015*

*2015 February*  
*Version 15: Update 0*

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## GAMBLING ACT 2005

### Licence Conditions and Codes of Practice

#### ACCESS TO GAMBLING BY CHILDREN AND YOUNG PERSONS

*It is illegal for any person who is under 18 years of age to be permitted entry to an Adult Gaming Centre or Adult Gaming Area.*

#### Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

#### Policy and Procedures

- Our policies and procedures with regard to age restriction take into account the structure and layout of our gambling premises so as to prevent access to gambling by children and young persons.
- Clear and prominent signage is placed at the entrance(s) to our Adult Gaming Centre(s) and adult area(s) stating that it is illegal for persons under the age of 18 years to enter and for the Company to permit entry.
- It is a matter of gross misconduct if a member of staff knowingly allows entry by any person who is under the age of 18 years to our Adult Gaming Centre(s) or Adult Gaming Area(s).
- Any person known to be under 18 years of age is refused entry.
- Any person who appears to be under 18 years of age, and has not previously provided satisfactory proof to the contrary, is asked to provide appropriate identification when it comes to the attention of staff and before an attempt to gamble. *Members of staff are trained to 'think 21' as a minimum.*
- If the person admits to being under the age of 18, they are refused entry.
- Should they claim to be 18 or over and there is still doubt, satisfactory proof of age is requested and has to be provided before entry is allowed. *Incidents involving suspected forged documents will be recorded and reported.*
- Proof of age documents must contain a photograph from which the individual can be identified; state the individual's date of birth; be valid, and legible. It should bear no visible signs of tampering or reproduction. *Acceptable forms of identification include those that carry the PASS logo (e.g. Citizencard); a driving licence (including a provisional licence) with photograph, a passport and military identification cards.*
- Where there is still doubt and the person cannot produce proof of age, they are advised that they will not be permitted to enter until such time as they provide such proof.
- They will be shown, have explained to them, and be given a 'proof of age card' application form or offered an explanation on how to apply for a card.
- Should the person then refuse to leave, they are advised that the age restriction is a legal requirement.
- If they still will not leave, the Duty Manager is immediately contacted to take over the situation.
- Any attempts by under-18s to enter the premises or designated adult area(s) and gamble are brought to the attention of the Duty Manager immediately and recorded as an entry on a log retained on the premises for this purpose. *Details of entry to include date, time, identity of the individual if known - or detailed description if unknown – member of staff dealing, action taken, the outcome and measures put in place to prevent a re-occurrence. Log to be countersigned by the Duty Manager.*
- Service is refused in all circumstances where any adult is accompanied by a child or young person.
- All gaming machines, other than category 'D' machines, are inscribed with a notice prohibiting play by persons under the age of 18 years.
- Stakes are returned to under-18s where they have been identified as gambling in AGCs or adult-only areas, and are not permitted to retain any monetary prize.
- Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy and accompanying log, and required to sign to this effect retaining a copy for their future reference; the original being retained on the employee's personnel file. Staff training policy covers all relevant prohibitions against inviting children or young persons to gamble or to enter gambling premises, and refresher training is carried out at appropriate intervals.

**Company:**

**Registered Address:**

**Date:**

**GAMBLING ACT 2005**  
**Licence Conditions and Codes of Practice**

**ACCESS TO GAMBLING BY CHILDREN AND YOUNG PERSONS**

**AGE VERIFICATION TESTING**

**Companies in Operating Licence fee category C or higher, whereby they are permitted to operate sixteen (16) or more AGCs, or sixteen (16) or more licenced FEC premises.**

- It is a requirement to conduct ongoing age verification testing or take part in collective age verification testing programs so as to provide reasonable assurance that policies and procedures to prevent underage gambling are effective.
- It is a further requirement that the results of age verification tests carried out by the Company are provided to the Gambling Commission.

**Companies in Operating Licence fee category A & B, whereby they are only permitted to operate up to fifteen (15) AGCs, or up to fifteen (15) licenced FECs.**

- It is a requirement that Licensees should consider how they monitor the effectiveness of their policies and procedures for preventing underage gambling, for example through collective test purchasing programs, and be able to explain their approach.

## GAMBLING ACT 2005

### *Licence Conditions and Codes of Practice*

#### ACCESS TO PREMISES BY THE GAMBLING COMMISSION'S ENFORCEMENT OFFICERS

##### Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

##### Policy and Procedures:

The Company acknowledges its obligation to ensure that staff openly co-operate with the Gambling Commission in the proper performance of their compliance functions and that they are made aware of those officers' rights of entry to premises contained under Part 15 (S.303 to S.326) of the Gambling Act 2005 (refer to page 2 of this document) and that:

- The Company must provide the Gambling Commission with any information that the Commission would reasonably need to be aware of in exercising its regulatory functions or suspect may relate to the commission of an offence under the Act, including an offence resulting from a breach of a licence condition or a code of practice provision having the effect of a licence condition. Changes in key circumstances must be reported within five days of their occurrence in accordance with the terms set out in the Operating Licence.
- The Company must provide the Gambling Commission with such information as the Commission may require from time to time about the use of facilities provided such as:
  - (i) the numbers of people making use of the facilities and the frequency of such use;
  - (ii) the range of gambling activities provided by the licensee and the number of staff employed in connection with them; and
  - (iii) the licensee's policies in relation to, and experience of, problem gambling.
- The Company must submit a Regulatory Return to the Gambling Commission containing such information as the Commission may require from time to time, and provide evidence that the terms on which gambling is offered are not unfair under the Unfair Terms in Consumer Contracts Regulations 1999 and, where applicable, meet the reasonableness test under the Unfair Contract Terms Act 1977.
- The Appointed Manager will be informed immediately a Gambling Commission Enforcement Officer properly identifies himself on the premises, and will attend to the Officer without undue delay. Staff will co-operate at all times with the Commission's Enforcement Officers.
- Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**Company:**

**Registered Address:**

**Date:**

## **GAMBLING ACT 2005**

### **PART 15**

Members of staff are to co-operate at all times with the Commission's enforcement officers in the proper performance of their compliance functions.

The officers' rights of entry to premises are contained in Part 15 of the Act which deals with inspection (Sections 303 to 326). A constable, enforcement officer or authorised person under the Act may enter premises for the purpose of assessing compliance or assessing whether an offence is being committed. A constable or enforcement officer can enter a premises if he reasonably suspects that an offence may be being committed or is about to be committed (Section 306). Entry may also be for the purpose of discovering whether facilities for gambling are being provided, to determine whether an operating licence or premises licence is held and to determine whether facilities are being provided in accordance with terms and conditions of an operating licence (Section 307).

Entry may also be made to assess the likely effects of activity when application has been made for a premises licence. A constable or enforcement officer may require the holder of an operating licence to produce, within a specified period, a copy of the authorisation (Section 316). Failure to comply without reasonable excuse to a request to produce a copy of the authorisation may result in an offence and be liable on summary conviction to a fine not exceeding level 2. Section 317 sets out powers of the constable, enforcement office or authorised person and include inspection of any part of the premises or any machine on anything on the premises, questioning any person, access to written or electronic records, remove or retain evidence of committing an offence or breach of terms and conditions. Section 20 provides that the power of inspection must be exercised only at a reasonable time. The enforcement officer or authorised person must provide evidence of his identify and authority (Section 321). Section 323 provides that a constable, enforcement officer or authorised person may use reasonable force to enter a premises. Section 326 provides that it is an offence to obstruct a constable, enforcement officer or authorised person in carrying out their duties.

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*  
**ADVERTISING STANDARDS AND MARKETING**

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Policy and Procedure

All advertising and marketing by the Company complies with standards set by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP). We ensure that the terms on which gambling is offered are not unfair under the Unfair Terms in Consumer Contracts Regulations 1999 and, where applicable, meet the reasonableness test under the Unfair Contract Terms Act 1977 and must comply with those terms.

- (1) We adopt the general principles that our advertising is:
- legal, decent, honest and truthful;
  - prepared with a sense of responsibility to consumers and to society;
  - respectful to the principles of fair competition generally accepted in business; and
  - not intended to bring advertising into disrepute.

Specifically we ensure that:

- advertising contains nothing that is likely to lead people to adopt styles of gambling that are unwise;
- advertisements and promotions are socially responsible and do not encourage excessive gambling;
- care is taken not to exploit the young, the immature or those who are mentally or socially vulnerable;
- advertising is not directed at people under the age of 18 years through the selection of media, style of presentation, content or context in which they appear. No medium is used to advertise gambling if more than 20% of its audience is under 18 years old;
- persons shown gambling are not, nor do they appear to be, under 25 years of age;
- there is honesty at all times with regard to the chances of winning, the likelihood of a big win, and the odds or payout ratio that applies to the gambling on offer;
- advertising and promotional material carries a reference for the need to keep gambling under control;
- it is never suggested or implied that gambling is a means of getting out of financial difficulty.
- Advertising and marketing material should not appear on any primary web page/screen or micro-site that provides advice or information on responsible gambling

Marketing and Promotion

Any incentive or reward scheme or other arrangement under which the customer may receive money, goods, services or other advantage (including the discharge in whole or in part of any liability (the benefit)) the scheme is designed to operate, and be operated, in such a way that neither the receipt nor the value or amount of the benefit is:

- (a) dependent on or calculated by reference to the length of time for or the frequency with which the customer gambles or has at any time gambled; or
- (b) dependent on the customer gambling for a pre-determined length of time or with a pre-determined frequency.

If the value of the benefit increases with the amount the customer spends it does so at a rate no greater than that at which the amount spent increases. Incentives and rewards are proportional to the type and level of the customer's gambling.

Members of staff, as appropriate, are trained as part of their induction process in the understanding of, and the strict adherence to this policy, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**Company:**

**Registered Address:**

**Date:**

## GAMBLING ACT 2005

### *Licence Conditions and Codes of Practice*

#### **CUSTOMER INTERACTION IN RELATION TO IDENTIFYING CUSTOMERS WHO MAY BE SUSCEPTIBLE TO GAMBLING HARM**

##### Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

##### Policy and Procedures

The Company makes use of all relevant sources of information to ensure effective customer interaction and decision making in relation to identifying possible gambling disorders; equally to identify at-risk customers who may not be displaying obvious signs of problem gambling, and in respect of customers designated 'high value' or 'VIP'. We work together with other operators to share experience and deliverance of good practice through BACTA.

If members of staff have concerns that a customer's behaviour may be related to having problems with gambling, the Duty Manager is to be informed at the earliest available opportunity. Indicative behaviour may include signs of distress, agitation, aggression, intense mood swings, hysteria, remorse and perhaps even damage to property and violence or the threat of violence to staff or other customers.

Notwithstanding any initial urgent action taken to deal with the customer's behaviour, the Duty Manager is required thereafter to observe the individual and make a judgement as to whether it is appropriate to suggest to the customer that they might want to be provided with information regarding where they can seek professional advice about the nature of their gambling activity or have the process of self-exclusion explained for consideration.

If the customer refuses such information and continues to behave in a manner which could reasonably be considered to be disruptive or puts the staff or other customers in potential danger, the Duty Manager will implement the Company's procedures for dealing with antisocial situations.

The Duty Manager may give consideration to refusing service or barring the customer from the premises and, in extreme situations, contacting police for assistance. *Whenever police are called to the premises for assistance in handling any incident, a log entry will be made whether police attend or not.*

Notwithstanding any other action that may have to be taken immediately to prevent an incident from worsening, the Duty Manager will log all such reports which may result in future customer interaction or where it has been ruled out where otherwise it would have taken place. The interaction is conducted between the appointed manager and the customer in a confidential and meaningful manner.

Members of staff are aware of the appointed Manager who is specifically designated to deal with requests for self-exclusion, and are aware of where customers can be directed for confidential advice should they be directly approached for assistance.

This policy and procedure is consistent with, and implemented with due regard to the Company's duty in respect of the health and safety of members of staff.

Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy and accompanying log, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**Company:**

**Registered Address:**

**Date:**

## **GAMBLING ACT 2005**

### *Licence Conditions and Codes of Practice*

#### **EMPLOYMENT OF CHILDREN AND YOUNG PERSONS**

##### Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

##### Policy and Procedures

It is an offence for children (under-16s) and young persons (those aged 16 and 17) to be engaged, or permitted to be engaged in:

- Providing facilities for gambling.
- Performing any function (including cleaning) in connection with a gaming machine at any time.
- Carrying out any other function on Adult Gaming Centre licensed premises, whether directly employed or not, whilst any gambling activity is being carried on in reliance on the premises licence.

All relevant staff, including children and young persons, employed by this Company have been trained about the laws relating to access to gambling by children and young persons.

It is strict Company policy that:

- Children and young persons are not employed to carry out any work in an adult-only area of family entertainment licensed premises at a time when any gambling is taking place.
- Gaming machines sited in Adult Gaming Centres or adult gaming areas are turned off if children and/or young persons are working on the premises outside the hours when the premises are open for business.
- Due diligence is given to verifying the age of all new members of staff where there is reason to doubt authenticity of birth dates supplied.
- The movement of children and young persons employed on the premises are carefully monitored and supervised so as to ensure compliance.

Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**Company:**

**Registered Address:**

**Date**

## GAMBLING ACT 2005

### *Licence Conditions and Codes of Practice*

#### FAIR AND OPEN PRACTICE ~ COMPLAINT AND DISPUTE RESOLUTION

##### Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

##### Complaints Procedure

The Company is committed to providing a high quality, accessible and responsive service to customers and the local community. However, dissatisfied customers may communicate a complaint to us either verbally or in writing. All complaints are taken seriously, investigated thoroughly and handled in a confidential manner. If the complaint cannot be resolved to the satisfaction of both parties on site, a copy of our written procedure for dealing with complaints, together with a complaint form, is supplied to the complainant at the earliest opportunity together with the name and status of the Company representative delegated to deal with the complaint.

Complainants should provide us with a comprehensive description and nature of the complaint; whether it is an original complaint, or where the outcome of a previous complaint was found unacceptable, and their name and postal address including a contact telephone number.

A 'complaint' means a complaint about any aspect of the Company's conduct of the licensed activities, and a 'dispute' is any complaint which:

- (a) is not resolved at the first stage of the complaints procedure; and
- (b) relates to the outcome of the complainant's gambling transaction.

In the first instance, the Company will endeavour to resolve the complaint to the satisfaction of both parties within fifteen working days. Should this not be possible we will explain why and provide a date by which the complainant can expect a full response.

In the event of a complaint relating to the outcome of a customer's gambling is unable to be satisfactorily resolved between the Company and the complainant, the complainant will be given contact details of an Alternative Dispute Resolution (ADR) entity.

- Complainants also have the means and opportunity of submitting their own version of events.
- The dispute is investigated in full by the ADR entity.
- Both parties are notified in writing of the review outcome with suggestions of a resolution if appropriate.
- This procedure may, but need not, provide for the ADR entity's resolution of the dispute to be binding on both parties.

The Company is obliged to keep a record of all complaints and disputes, other than those considered to be trivial, including all disputes referred to the ADR entity that are not resolved at the initial stages of the complaints procedure. There is a requirement to submit reports of the outcome of disputes referred to the ADR entity to the Gambling Commission at intervals determined by the Commission either by the ADR entity or by the Company.

Licencees must satisfy themselves that the terms on which gambling is offered are not unfair under the terms in Consumer Contracts Regulations 1999 and, where applicable, meet the reasonableness test under the Unfair Contract Terms Act 1977 and must comply with those terms.

An accurate summary of the contractual terms on which gambling is offered is available, with customers being notified of material changes to terms before they come into effect.

**Company:**

**Registered Address:**

**Date:**

## GAMBLING ACT 2005

### *Licence Conditions and Codes of Practice*

#### INFORMATION ON HOW TO GAMBLE RESPONSIBLY AND HELP FOR GAMBLERS WITH PROBLEMS

##### Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

##### Stay in control advice

*Without breaching the principle that customers are responsible for their own gambling, the nature of the activity suggests that they should be reminded of the need to exercise caution. Accordingly, signage in the form of an appropriate number of posters or other appropriate means is displayed on our premises:*

- Giving clear guidance that in order to keep gambling a fun social activity the customer needs to 'stay in control'.
- Drawing attention to further information, such as leaflets that are available on the premises.
- Indicating sources of help such as the National Gambling Helpline operated by GamCare.
- Large enough and written in language so as to be easily seen and understood.
- Prominently displayed.
- Maintained in a clean and tidy condition, preferably within a glass fronted frame.

##### Advertising sources of help

*At the core of exercising a duty of care is the principle of assisting customers who may wish to express concern about their gambling. This tenet is drawn to the attention of customers on our premises in the following ways:*

- The prominent display of 'Responsible Gambling' or 'Stay in Control' information.
- There are holders or racks containing leaflets in appropriate places that emphasise the need to keep gambling under control and where to seek help should anyone be concerned about their own or a family member's gambling. These leaflets are available to be taken away from the premises without the necessity of having to ask for them.
- The leaflets are available at all times for customers to take discreetly without having to ask a member of staff, and are located in the gambling area either near to exit doors, ATMs or toilets. We endeavour to maintain an effective stock control system to ensure that such leaflets are always available to supply. Signposting Information may also be made available through the use of links for online or smart technology.
- Details of GamCare, giving the National Helpline telephone number is inscribed on all appropriate categories of gaming machines.

##### Protecting those who seek assistance

*Responding to someone who admits to having a problem with their gambling is a delicate matter that has to be timely and needs to be approached sensitively. It is our policy that:*

- rules and procedures relating to a policy of responding to problem gamblers are clearly formulated and incorporated into our day-to-day operation;
- at least one member of staff who has been trained to deal with situations that might require a response is on duty at any one time, or available without undue delay;
- a positive response including communicating sources of help and the possibility of self-exclusion is offered to any customer who admits to having lost control of their gambling;
- the facility of a self-exclusion policy for customers who wish to voluntarily self-exclude themselves from these premises, and other premises owned by the Company in the locality, that stipulates a minimum exclusion period of six months - with a further 24-hour 'cooling off' period thereafter;
- we draw to the attention of relatives who express concern about a family member's gambling the options available to that person should they wish to address the extent of their gambling;
- members of staff do not collude with customers when asked to lie on their behalf, and
- where services are marketed in one or more foreign languages, we make available information on how to gamble responsibly, access to help, guides to the playing of any game, and a summary of the contractual terms on which gambling is offered in that, or those, foreign languages.

**Company:**

**Registered Address:**

**Date:**

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*  
**MONEY LAUNDERING, CASH HANDLING AND SUSPICIOUS TRANSACTIONS**

Introduction

As part of its procedures for compliance with the requirements in respect of the prevention and detection of money laundering in the Proceeds of Crime Act 2002 and the Terrorism Act 2000, the Company takes into account the Commission's advice on the Proceeds of Crime Act 2002, *Duties and responsibilities under the proceeds of Crime Act 2002 – Advice for operators (excluding Casino operators)*.

Money Laundering Definition

Money laundering is a process by which the proceeds of crime are converted into assets which appear to have a legitimate origin, so that they can be retained permanently or recycled into further criminal enterprises. This definition of money laundering means that potentially any employee could contravene the Regulations if they were to become aware of or suspect the existence of criminal property and continue to be involved in a matter which relates to that property without reporting their concerns.

Policy

- The Company is committed to ensuring that all necessary safeguards are in place with regard to the receipt of money in order to avoid it being used to launder money that may originate from the proceeds of crime.
- The Company has appointed a Designated Money Laundering Officer (MLO)
- All relevant staff are trained on the requirements of the Regulations and told of the need to report any suspicious cash transactions to the MLO for the purpose of informing the relevant authorities.

Disclosure Procedure

- Where it is suspected by a member of staff that money laundering activity is taking/has taken place, a disclosure must be made to the MLO as soon as possible. Because of the importance attached to the process, notification should normally take place immediately by telephone or, where that is not possible, by any other expedient means.
- No discussion will take place with colleagues as confidentiality is paramount.
- The MLO will determine whether or not to submit - online or otherwise - a suspicious activity report (SAR) to the National Crime Agency (NCA) and will maintain records of all notifications received detailing the method of verification used to identify the suspected person.

Cash Handling

Operating policies and procedures are in place with regard to accounting practices and record keeping in respect of:

- (i) Monetary stakes introduced to machines (gross takings),
- (ii) Money introduced to re-float machines
- (iii) Token transactions
- (iv) Customer refunds due to machine malfunctions.
- (v) Money removed from machines (net takings)

Members of staff, where appropriate, are trained as part of their induction process in the understanding of, and the strict adherence to this policy, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**Company:**

**Registered Address:**

**Date:**

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*

**SELF-EXCLUSION**

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Policy and Procedures

*Whilst most customers are able to enjoy and control their gambling, this business recognises its duty of care to those who cannot. Accordingly we provide a self-exclusion process for those customers who seek to prevent their own access to our premises. Procedures for preventing self-excluded individuals from gambling during the period of the self-exclusion agreement take account of the structure and layout of the premises. Before an individual self-excludes, that person is given sufficient information about what the consequences of self-exclusion are.*

- When a customer has requested that they be refused entry to our premises, the customer and the appointed manager formally acknowledge and document the request on a self-exclusion request form, and the customer signposted to counselling and support services.
- Photo identification is required for self-exclusion agreements except where an alternative means of identification is at least as effective. Photographs, preferably of the passport style, should be full-faced and a good likeness both initially and throughout the duration of the self-exclusion agreement.
- The Duty Manager will offer the exclusion for a minimum duration of not less than six months, nor more than twelve months; the customer thereafter may request to extend the length of the self-exclusion for one or more further periods of at least six months, reliant on the Company's ability to manage longer agreements. The Company will not allow the self-excluder admittance to the premises during the term of the self-exclusion agreement.
- It is made clear to the customer that they may not revoke the self-exclusion during the agreed period and that if found either in the gambling area or attempting to gamble they will be asked to leave. Members of staff are trained to be alert to self-excluded individuals attempting to breach agreements and instances of them getting another person to gamble on their behalf. It is a requirement that staff regularly pay heed to self-exclusion agreement forms that are currently active (particularly photographs) in order to stay alert to the identity of those excluded.
- Self-excluders have the opportunity of self-excluding from other local premises owned by this Company.
- A copy of the self-exclusion request form is given to the customer and a copy retained on site for the duration of the exclusion. An entry is also recorded on a self-exclusion log retained on the premises.
- Those self-excluded are removed from any marketing databases held by this Company within two days of receiving the completed self-exclusion form, but we will take all reasonable steps to prevent details being knowingly sent as soon as practicable.
- At the end of the exclusion period, the Duty Manager and customer will, together, review the terms of agreement either by telephone or in person. The review process is recorded on a self-exclusion review form.
- Where a customer chooses not to extend the self-exclusion and makes a positive request to begin gambling again, the customer is offered a 24-hour 'cooling off' period before being allowed access to the gambling facilities.
- Customers are given the opportunity to discuss self-exclusion in private where possible.
- Members of staff are trained both on induction and refresher sessions thereafter in the understanding of, and the strict adherence to this policy and accompanying log, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**Company:**

**Registered Address:**

**Date:**

Company:

Site Address:

Site Ref:

Serial No.

/

<b>GAMBLING ACT 2005</b> <i>Licence Conditions and Codes of Practice</i>
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**Attempts by Children and Young Persons to enter an Adult Gaming Centre or Adult Gaming Area to Gamble**

Note: This log is used where it is established that a person, known to be under the age of 18 years, enters an adult gaming centre or adult gaming area, and attempts to gamble therein. Instances where age verification has been sought by staff but not established, and where entry has been refused, may be recorded for other purposes on a 'customer refusal register.'

Date	Time	Circumstances including at what stage the young person was asked for Identification	Identity or Description	Action, outcome & preventative measures adopted	Member of Staff requesting Identification	Duty Manager Informed (signature)
60						

**TO BE RETAINED ON THE PREMISES**

This log is used in conjunction with the Company's policy and procedure concerning 'Access to Gambling by Children & Young Persons'.

Company:

Site Address:

Site Ref:

Serial No.

/

<b>GAMBLING ACT 2005</b> <i>Licence Conditions and Codes of Practice</i>
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**Customer Interaction in Relation to Identifying Customers who may be Susceptible to Gambling Harm**

To be completed **only** in circumstances when a customer has either requested information on who to contact for help with a gambling disorder or where an appointed member of management considers it to be appropriate to interact with a customer who has been identified as having a possible gambling disorder. Instances where interaction has been subsequently ruled out, where otherwise it would have taken place, should also be recorded.

An entry should also be made where an approach has been made by a relative or friend of a customer considered by them to be experiencing difficulties with their gambling.

Date	Time	Circumstances including signs of distress or otherwise, where no signs of distress are exhibited	Identity or Description of Customer	Limited Exposure Offered (Y/N)	Referred to GamCare (Y/N)	Self-Exclusion Explained (Y/N)	Notes including outcome	Duty Manager Informed (signature)
61								

**TO BE RETAINED ON THE PREMISES**

**This log is used in conjunction with the Company’s policy and procedure concerning ‘Customer Interaction’.**

Company:

Site Address:

Site Ref:

Serial No. /

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*

**Incidents Requiring Police Assistance**

Ref	Date	Time	Nature of Incident	Time Police Called	Time Police Arrived	Outcome	Duty Manager
1							
2							
3							
62							
4							
5							
6							
7							
8							

**TO BE RETAINED ON THE PREMISES**

**To be used when police are called to the premises to assist the licensee whether they attend or not.**

Company:

Site Address:

Site Ref:

Serial No.

/

<b>GAMBLING ACT 2005</b> <i>Licence Conditions and Codes of Practice</i>
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**SELF-EXCLUSION LOG**

Ref	Name	Start Date	Attempts to Enter Date(s)	Attempts to Gamble Date(s)	Preventative Measures Deployed	End Date	‘Cooling off’ (Y/N)	Resumed Gambling Y/N
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								

**TO BE RETAINED ON THE PREMISES**

**This log is used in conjunction with the Company’s policy and procedure concerning ‘Self-Exclusion’.**

Company:

Site Address:

Site Ref:

Serial No.

/

<b>GAMBLING ACT 2005</b> <i>Licence Conditions and Codes of Practice</i>
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**SUMMARY OF STAFF TRAINING**

Management and Staff, as appropriate, declare that they have read and understood the following documents, are fully aware of Company policy and procedures and their own respective requirements in relation to them:

- |   |   |
|---|---|
| 1. Access to Gambling by Children and Young Persons                     | 6. Fair and Open Practice and Dispute Resolution                                |
| 2. Access to Premises by the Gambling Commission’s Enforcement Officers | 7. Information on how to Gamble Responsibly and Help for Gamblers with problems |
| 3. Advertising Standards and Marketing                                  | 8. Money laundering, Cash handling & Suspicious Transactions                    |
| 4. Customer Interaction   | 9. Self-Exclusion   |
| 5. Employment of Children and Young Persons                             |   |

Interval not to exceed 7 days

Tick against relevant Policies

Name	Position	Joining Date	Training Date	Signature	Leave Date	1	2	3	4	5	6	7	8	9
64														

**TO BE RETAINED ON THE PREMISES**

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*

**ACCESS TO GAMBLING BY CHILDREN AND YOUNG PERSONS**

***It is illegal for any person who is under 18 years of age to be permitted entry to an Adult Gaming Centre or Adult Gaming Area.***

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Policy and Procedures

- Our policies and procedures with regard to age restriction take into account the structure and layout of our gambling premises so as to prevent access to gambling by children and young persons.
- Clear and prominent signage is placed at the entrance(s) to our Adult Gaming Centre(s) and adult area(s) stating that it is illegal for persons under the age of 18 years to enter and for the Company to permit entry.
- It is a matter of gross misconduct if a member of staff knowingly allows entry by any person who is under the age of 18 years to our Adult Gaming Centre(s) or Adult Gaming Area(s).
- Any person known to be under 18 years of age is refused entry.
- Any person who appears to be under 18 years of age, and has not previously provided satisfactory proof to the contrary, is asked to provide appropriate identification when it comes to the attention of staff and before an attempt to gamble occurs. *Members of staff are trained to 'think 21' as a minimum.*
- If the person admits to being under the age of 18, they are refused entry.
- Should they claim to be 18 or over and there is still doubt, satisfactory proof of age is requested and has to be provided before entry is allowed. *Incidents involving suspected forged documents will be recorded and reported.*
- Proof of age documents must contain a photograph from which the individual can be identified; state the individual's date of birth; be valid, and legible. It should bear no visible signs of tampering or reproduction. *Acceptable forms of identification include those that carry the PASS logo (e.g. CitizenCard); a driving licence (including a provisional licence) with photograph, a passport and military identification cards.*
- Where there is still doubt and the person cannot produce proof of age, they are advised that they will not be permitted to enter until such time as they provide such proof.
- They will be shown, have explained to them, and be given a 'proof of age card' application form or offered an explanation on how to apply for a card.
- Should the person then refuse to leave, they are advised that the age restriction is a legal requirement.
- If they still will not leave, the Duty Manager is immediately contacted to take over the situation.
- Any attempts by under-18s to enter the premises or designated adult area(s) and gamble are brought to the attention of the Duty Manager immediately and recorded as an entry on a log retained on the premises for this purpose. *Details of entry to include date, time, identity of the individual if known - or detailed description if unknown – member of staff dealing, action taken, the outcome and measures put in place to prevent a re-occurrence. Log to be countersigned by the Duty Manager.*
- Service is refused in all circumstances where any adult is accompanied by a child or young person.
- All gaming machines, other than category 'D' machines, are inscribed with a notice prohibiting play by persons under the age of 18 years.
- Stakes are returned to under-18s where they have been identified as gambling in AGCs or adult-only areas, and under-18s are not allowed to retain any monetary prize.

Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy and accompanying log, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file. Staff training policy covers all relevant prohibitions against inviting children or young persons to gamble or to enter gambling premises, and refresher training is carried out at appropriate intervals.

**I have read, understood and agree to implement the provisions of the above Company Policy and Procedures.**

**Signed:** .....

**Name: (please print)** ..... **Date:** .....

**Company:** ..... **Position:** .....

**A copy of this signed document must be given to the employee for on-going reference; the original document to be retained on the employee's personnel file for the duration of his/her employment.**

**GAMBLING ACT 2005**

*Licence Conditions and Codes of Practice*

**ACCESS TO PREMISES BY THE GAMBLING COMMISSION'S ENFORCEMENT OFFICERS**

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Policy and Procedures:

The Company acknowledges its obligation to ensure that staff openly co-operate with the Gambling Commission in the proper performance of their compliance functions and that they are made aware of those officers' rights of entry to premises contained under Part 15 (S.303 to S.326) of the Gambling Act 2005 (refer to page 2 of the Company policy document) and that:

- The Company must provide the Gambling Commission with any information that the Commission would reasonably need to be aware of in exercising its regulatory functions or suspect may relate to the commission of an offence under the Act, including an offence resulting from a breach of a licence condition or a code of practice provision having the effect of a licence condition. Changes in key circumstances must be reported within five days of their occurrence in accordance with the terms set out in the Operating Licence.
- The Company must provide the Gambling Commission with such information as the Commission may require from time to time about the use of facilities provided such as:
  - (a) the numbers of people making use of the facilities and the frequency of such use;
  - (b) the range of gambling activities provided by the licensee and the number of staff employed in connection with them; and
  - (c) the licensee's policies in relation to, and experience of, problem gambling.
- The Company must submit a Regulatory Return to the Gambling Commission containing such information as the Commission may require from time to time, and provide evidence that the terms on which gambling is offered are not unfair under the Unfair Terms in Consumer Contracts Regulations 1999 and, where applicable, meet the reasonableness test under the Unfair Contract Terms Act 1977.
- The Appointed Manager will be informed immediately a Gambling Commission Enforcement Officer properly identifies himself on the premises, and will attend to the Officer without undue delay. Staff will co-operate at all times with the Commission's Enforcement Officers.
- Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**I have read, understood and agree to implement the provisions of the above Company Policy and Procedures.**

**Signed:** .....

**Name: (please print)** ..... **Date:** .....

**Company:** ..... **Position:** .....

**A copy of this signed document must be given to the employee for on-going reference; the original document to be retained on the employee's personnel file for the duration of his/her employment.**

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*  
**ADVERTISING STANDARDS AND MARKETING**

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Policy and Procedure

All advertising and marketing by the Company complies with standards set by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP). We ensure that the terms on which gambling is offered are not unfair under the Unfair Terms in Consumer Contracts Regulations 1999 and, where applicable, meet the reasonableness test under the Unfair Contract Terms Act 1977 and must comply with those terms,

- (2) We adopt the general principles that our advertising is:
- legal, decent, honest and truthful;
  - prepared with a sense of responsibility to consumers and to society;
  - respectful to the principles of fair competition generally accepted in business; and
  - not intended to bring advertising into disrepute.

Specifically we ensure that:

- advertising contains nothing that is likely to lead people to adopt styles of gambling that are unwise;
- advertisements and promotions are socially responsible and do not encourage excessive gambling;
- care is taken not to exploit the young, the immature or those who are mentally or socially vulnerable;
- advertising is not directed at people under the age of 18 years through the selection of media, style of presentation, content or context in which they appear. No medium is used to advertise gambling if more than 20% of its audience is under 18 years old;
- persons shown gambling are not, nor do they appear to be, under 25 years of age;
- there is honesty at all times with regard to the chances of winning, the likelihood of a big win, and the odds or payout ratio that applies to the gambling on offer;
- advertising and promotional material carries a reference for the need to keep gambling under control; and
- it is never suggested or implied that gambling is a means of getting out of financial difficulty.
- Advertising and marketing material should not appear on any primary web page/screen or micro-site that provides advice or information on responsible gambling

Marketing and Promotion

Any incentive or reward scheme or other arrangement under which the customer may receive money, goods, services or other advantage (including the discharge in whole or in part of any liability (the benefit)) the scheme is designed to operate, and be operated, in such a way that neither the receipt nor the value or amount of the benefit is:

- (a) dependent on or calculated by reference to the length of time for or the frequency with which the customer gambles or has at any time gambled; or
- (b) dependent on the customer gambling for a pre-determined length of time or with a pre-determined frequency.

If the value of the benefit increases with the amount the customer spends it does so at a rate no greater than that at which the amount spent increases. Incentives and rewards are proportional to the type and level of the customer's gambling.

Members of staff, as appropriate, are trained as part of their induction process in the understanding of, and the strict adherence to this policy, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**I have read, understood and agree to implement the provisions of the above Company Policy and Procedures.**

**Signed:** .....

**Name: (please print)** ..... **Date:** .....

**Company:** ..... **Position:** .....

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**GAMBLING ACT 2005**

*Licence Conditions and Codes of Practice*

**CUSTOMER INTERACTION IN RELATION TO IDENTIFYING CUSTOMERS WHO MAY BE SUSCEPTIBLE TO GAMBLING HARM**

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Policy and Procedures

The Company makes use of all relevant sources of information to ensure effective customer interaction and decision making in relation to identifying possible gambling disorders; equally to identify at-risk customers who may not be displaying obvious signs of problem gambling, and in respect of customers designated 'high value' or 'VIP'. We work together with other operators to share experience and deliverance of good practice through BACTA.

If members of staff have concerns that a customer's behaviour may be related to having problems with gambling, the Duty Manager is to be informed at the earliest available opportunity. Indicative behaviour may include signs of distress, agitation, aggression, intense mood swings, hysteria, remorse and perhaps even damage to property and violence or the threat of violence to staff or other customers.

Notwithstanding any initial urgent action taken to deal with the customer's behaviour, the Duty Manager is required thereafter to observe the individual and make a judgement as to whether it is appropriate to suggest to the customer that they might want to be provided with information regarding where they can seek professional advice about the nature of their gambling activity or have the process of self-exclusion explained for consideration.

If the customer refuses such information and continues to behave in a manner which could reasonably be considered to be disruptive or puts the staff or other customers in potential danger, the Duty Manager will implement the Company's procedures for dealing with antisocial situations.

The Duty Manager may give consideration to refusing service or barring the customer from the premises and, in extreme situations, contacting police for assistance. *Whenever police are called to the premises for assistance in handling any incident, a log entry will be made whether police attend or not.*

Notwithstanding any other action that may have to be taken immediately to prevent an incident from worsening, the Duty Manager will log all such reports which may result in future customer interaction or where it has been ruled out where otherwise it would have taken place. The interaction is conducted between the appointed manager and the customer in a confidential and meaningful manner.

Members of staff are aware of the appointed Manager who is specifically designated to deal with requests for self-exclusion, and are aware of where customers can be directed for confidential advice should they be directly approached for assistance.

This policy and procedure is consistent with, and implemented with due regard to the Company's duty in respect of the health and safety of members of staff.

Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy and accompanying log, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**I have read, understood and agree to implement the provisions of the above Company Policy and Procedures.**

**Signed:** .....

**Name: (please print)** ..... **Date:** .....

**Company:** ..... **Position:** .....

**A copy of this signed document must be given to the employee for on-going reference; the original document to be retained on the employee's personnel file for the duration of his/her employment.**

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*

**EMPLOYMENT OF CHILDREN AND YOUNG PERSONS**

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Policy and Procedures

It is an offence for children (under-16s) and young persons (those aged 16 and 17) to be engaged, or permitted to be engaged in:

- Providing facilities for gambling.
- Performing any function (including cleaning) in connection with a gaming machine at any time.
- Carrying out any other function on Adult Gaming Centre licensed premises, whether directly employed or not, whilst any gambling activity is being carried on in reliance on the premises licence.

All relevant staff, including children and young persons, employed by this Company have been trained about the laws relating to access to gambling by children and young persons.

It is strict Company policy that:

- Children and young persons are not employed to carry out any work in an adult-only area of family entertainment licensed premises at a time when any gambling is taking place.
- Gaming machines sited in Adult Gaming Centres or adult gaming areas are turned off if children and/or young persons are working on the premises outside the hours when the premises are open for business.
- Due diligence is given to verifying the age of all new members of staff where there is reason to doubt authenticity of birth dates supplied.
- The movement of children and young persons employed on the premises are carefully monitored and supervised so as to ensure compliance.

Members of staff are trained as part of their induction process in the understanding of, and the strict adherence to this policy, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**I have read, understood and agree to implement the provisions of the above Company Policy and Procedures.**

**Signed:** .....

**Name: (please print)** ..... **Date:** .....

**Company:** ..... **Position:** .....

**A copy of this signed document must be given to the employee for on-going reference; the original document to be retained on the employee's personnel file for the duration of his/her employment.**

**GAMBLING ACT 2005**

*Licence Conditions and Codes of Practice*

**FAIR AND OPEN PRACTICE ~ COMPLAINT AND DISPUTE RESOLUTION**

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Complaints Procedure

The Company is committed to providing a high quality, accessible and responsive service to customers and the local community. However, dissatisfied customers may communicate a complaint to us either verbally or in writing. All complaints are taken seriously, investigated thoroughly and handled in a confidential manner. If the complaint cannot be resolved to the satisfaction of both parties on site, a copy of our written procedure for dealing with complaints, together with a complaint form is supplied to the complainant at the earliest opportunity together with the name and status of the Company representative delegated to deal with the complaint.

Complainants should provide us with a comprehensive description and nature of the complaint; whether it is an original complaint, or where the outcome of a previous complaint was found unacceptable, and their name and postal address including a contact telephone number.

A 'complaint' means a complaint about any aspect of the Company's conduct of the licensed activities, and a 'dispute' is any complaint which:

- is not resolved at the first stage of the complaints procedure; and
- relates to the outcome of the complainant's gambling transaction.

In the first instance, the Company will endeavour to resolve the complaint to the satisfaction of both parties within fifteen working days. Should this not be possible we will explain why and provide a date by which the complainant can expect a full response.

In the event of a complaint relating to the outcome of a customer's gambling is unable to be satisfactorily resolved between the Company and the complainant, the complainant will be given contact details of an Alternative Dispute Resolution (ADR) entity.

- Complainants have the means and opportunity of submitting their own version of events.
- The dispute is reviewed in full by the ADR entity.
- Both parties are notified in writing of the review outcome with suggestions of a resolution if appropriate.
- This procedure may, but need not, provide for the ADR entity's resolution of the dispute to be binding on both parties.

The Company is obliged to keep a record of all complaints and disputes, other than those considered to be trivial, including all disputes referred to the ADR entity that are not resolved at the initial stages of the complaints procedure. There is a requirement to submit reports of the outcome of disputes referred to the ADR entity to the Gambling Commission at intervals determined by the Commission either by the ADR entity or by the Company.

Licensees must satisfy themselves that the terms on which gambling is offered are not unfair under the terms in Consumer Contracts Regulations 1999 and, where applicable, meet the reasonableness test under the Unfair Contract Terms Act 1977 and must comply with those terms.

An accurate summary of the contractual terms on which gambling is offered is available, with customers being notified of material changes to terms before they come into effect.

**I have read, understood and agree to implement the provisions of the above Company Policy and Procedures.**

Signed: .....

Name: (please print) ..... Date: .....

Company: ..... Position: .....

A copy of this signed document must be given to the employee for on-going reference; the original document to be retained on the employee's personnel file for the duration of his/her employment.

**GAMBLING ACT 2005**

*Licence Conditions and Codes of Practice*

**INFORMATION ON HOW TO GAMBLE RESPONSIBLY AND HELP FOR GAMBLERS WITH PROBLEMS**

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Stay in control advice

*Without breaching the principle that customers are responsible for their own gambling, the nature of the activity suggests that they should be reminded of the need to exercise caution. Accordingly, signage in the form of an appropriate number of posters or other appropriate means is displayed on our premises:*

- Giving clear guidance that in order to keep gambling a fun social activity the customer needs to ‘stay in control’.
- Drawing attention to further information, such as leaflets that are available on the premises.
- Indicating sources of help such as the National Gambling Helpline operated by GamCare.
- Large enough and written in language so as to be easily seen and understood.
- Prominently displayed.
- Maintained in a clean and tidy condition, preferably within a glass fronted frame.

Advertising sources of help

*At the core of exercising a duty of care is the principle of assisting customers who may wish to express concern about their gambling. This tenet is drawn to the attention of customers on our premises in the following ways:*

- The prominent display of ‘Responsible Gambling’ or ‘Stay in Control’ information.
- There are holders or racks containing leaflets in appropriate places that emphasise the need to keep gambling under control and where to seek help should anyone be concerned about their own or a family member’s gambling. These leaflets are available to be taken away from the premises without the necessity of having to ask for them.
- The leaflets are available at all times for customers to take discreetly without having to ask a member of staff, and are located in the gambling area either near to exit doors, ATMs or toilets. We endeavour to maintain an effective stock control system to ensure that such leaflets are always available to supply. Signposting Information may also be made available through the use of links for online or smart technology.
- Details of GamCare, giving the National Helpline telephone number is inscribed on all appropriate categories of gaming machines.

Protecting those who seek assistance

*Responding to someone who admits to having a problem with their gambling is a delicate matter that has to be timely and needs to be approached sensitively. It is our policy that:*

- rules and procedures relating to a policy of responding to problem gamblers are clearly formulated and incorporated into our day-to-day operation;
- at least one member of staff who has been trained to deal with situations that might require a response is on duty at any one time, or available without undue delay;
- a positive response including communicating sources of help and the possibility of self-exclusion is offered to any customer who admits to having lost control of their gambling;
- the facility of a self-exclusion policy for customers who wish to voluntarily self-exclude themselves from these premises, and other premises owned by the Company in the locality, that stipulates a minimum exclusion period of six months - with a further 24-hour ‘cooling off’ period thereafter;
- we draw to the attention of relatives who express concern about a family member’s gambling the options available to that person should they wish to address the extent of their gambling;
- members of staff do not collude with customers when asked to lie on their behalf, and
- where services are marketed in one or more foreign languages, we make available information on how to gamble responsibly, access to help, guides to the playing of any game, and a summary of the contractual terms on which gambling is offered in that, or those, foreign languages.

**I have read, understood and agree to implement the provisions of the above Company Policy and Procedures.**

Signed: .....

Name: (please print) .....Date: .....

Company: ..... Position: .....

**A copy of this signed document must be given to the employee for on-going reference; the original document to be retained on the employee’s personnel file for the duration of his/her employment.**

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*  
**MONEY LAUNDERING, CASH HANDLING AND SUSPICIOUS TRANSACTIONS**

Introduction

As part of its procedures for compliance with the requirements in respect of the prevention and detection of money laundering in the Proceeds of Crime Act 2002 and the Terrorism Act 2000, the Company takes into account the Commission’s advice on the Proceeds of Crime Act 2002, *Duties and responsibilities under the proceeds of Crime Act 2002 – Advice for operators (excluding Casino operators)*.

Money Laundering Definition

Money laundering is a process by which the proceeds of crime are converted into assets which appear to have a legitimate origin, so that they can be retained permanently or recycled into further criminal enterprises. This definition of money laundering means that potentially any employee could contravene the Regulations if they were to become aware of or suspect the existence of criminal property and continue to be involved in a matter which relates to that property without reporting their concerns.

Policy

- The Company is committed to ensuring that all necessary safeguards are in place with regard to the receipt of money in order to avoid it being used to launder money that may originate from the proceeds of crime.
- The Company has appointed a Designated Money Laundering Officer (MLO)
- All relevant staff are trained on the requirements of the Regulations and told of the need to report any suspicious cash transactions to the MLO for the purpose of informing the relevant authorities.

Disclosure Procedure

- Where it is suspected by a member of staff that money laundering activity is taking/has taken place, a disclosure must be made to the MLO as soon as possible. Because of the importance attached to the process, notification should normally take place immediately by telephone or, where that is not possible, by any other expedient means.
- No discussion will take place with colleagues as confidentiality is paramount.
- The MLO will determine whether or not to submit - online or otherwise - a suspicious activity report (SAR) to the National Crime Agency (NCA) and will maintain records of all notifications received detailing the method of verification used to identify the suspected person.

Cash Handling

Operating policies and procedures are in place with regard to accounting practices and record keeping in respect of:

- Monetary stakes introduced to machines (gross takings),
- Money introduced to refloat machines
- Token transactions
- Customer refunds due to machine malfunctions.
- Money removed from machines (net takings)

Members of staff, where appropriate, are trained as part of their induction process in the understanding of, and the strict adherence to this policy, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee’s personnel file.

**I have read, understood and agree to implement the provisions of the above Company Policy and Procedures.**

**Signed:** .....

**Name: (please print)** ..... **Date:** .....

**Company:** ..... **Position:** .....

**A copy of this signed document must be given to the employee for on-going reference; the original document to be retained on the employee’s personnel file for the duration of his/her employment.**

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*

**SELF-EXCLUSION**

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Policy and Procedures

*Whilst most customers are able to enjoy and control their gambling, this business recognises its duty of care to those who cannot. Accordingly we provide a self-exclusion process for those customers who seek to prevent their own access to our premises. Procedures for preventing self-excluded individuals from gambling during the period of the self-exclusion agreement take account of the structure and layout of the premises. Before an individual self-excludes, that person is given sufficient information about what the consequences of self-exclusion are.*

- When a customer has requested that they be refused entry to our premises, the customer and the appointed manager formally acknowledge and document the request on a self-exclusion request form, and the customer signposted to counselling and support services.
- Photo identification is required for self-exclusion agreements except where an alternative means of identification is at least as effective. Photographs, preferably of the passport style, should be full-faced and a good likeness both initially and throughout the duration of the self-exclusion agreement.
- The Duty Manager will offer the exclusion for a minimum duration of not less than six months, nor more than twelve months; the customer thereafter may request to extend the length of the self-exclusion for one or more further periods for at least six months, reliant on the Company's ability to manage longer agreements. The Company will not allow the self-excluder admittance to the premises during the term of the self-exclusion agreement.
- It is made clear to the customer that they may not revoke the self-exclusion during the agreed period and that if found either in the gambling area or attempting to gamble they will be asked to leave. Members of staff are trained to be alert to self-excluded individuals attempting to breach agreements and instances of them getting another person to gamble on their behalf. It is a requirement that staff regularly pay heed to self-exclusion agreement forms that are currently active (particularly photographs) in order to stay alert to the identity of those excluded.
- Self-excluders have the opportunity of self-excluding from other local premises owned by this Company.
- A copy of the self-exclusion request form is given to the customer and a copy retained on site for the duration of the exclusion. An entry is also recorded on a self-exclusion log retained on the premises.
- Those self-excluded are removed from any marketing databases held by this Company within two days of receiving the completed self-exclusion form, but we will take all reasonable steps to prevent details being knowingly sent as soon as practicable.
- At the end of the exclusion period, the Duty Manager and customer will, together, review the terms of agreement either by telephone or in person. The review process is recorded on a self-exclusion review form.
- Where a customer chooses not to extend the self-exclusion and makes a positive request to begin gambling again, the customer is offered a 24-hour 'cooling off' period before being allowed access to the gambling facilities.
- Customers are given the opportunity to discuss self-exclusion in private where possible.
- Members of staff are trained both on induction and refresher sessions thereafter in the understanding of, and the strict adherence to this policy and accompanying log, and required to sign to this effect retaining a copy for their future reference. The original is retained on the employee's personnel file.

**I have read, understood and agree to implement the provisions of the above Company Policy and Procedures.**

**Signed:** .....

**Name: (please print)** ..... **Date:**.....

**Company:** ..... **Position:** .....

**A copy of this signed document must be given to the employee for on-going reference; the original document to be retained on the employee's personnel file for the duration of his/her employment.**

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*

**SELF-EXCLUSION**

**This provision will not come into force until 6 April 2016**

**Social Responsibility Code Provision 3.5.6**

1. Licensees must offer customers with whom they enter into a self-exclusion agreement in respect of facilities for any kind of gambling offered by them the ability to self-exclude from facilities for the same kind of gambling offered in their locality by any other holder of an operating licence to whom this provision applies, by participating in one or more available multi-operator self-exclusion schemes.

**Ordinary Code Provision 3.5.7**

1. Licensees should contribute to, and participate in, the development and effective implementation of multi-operator self-exclusion schemes with the aim of making available to customers the ability to self-exclude from facilities for gambling provided by other licensed operators within their local area(s).

## **GAMBLING ACT 2005**

### **The Licensing Objectives**

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

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*

**PRINCIPAL CONCEPTS**

Statement

The Company recognises its responsibility and obligation to comply with the Licensing Objectives of the Gambling Act 2005 and the Licence Conditions and Codes of Practice. Social responsibility awareness is an important aspect of our day-to-day operating practice, and monitoring of policies and procedures is regularly reviewed and subject to change as part of our ongoing risk assessment.

Licensing Objectives

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.

Policy and Procedures

We put into effect policies and procedures intended to promote socially responsible gambling that includes making an annual financial contribution to research into the prevention and treatment of gambling-related harm, the development of harm prevention measures and the treatment of those with gambling related disorders.

- We operate an on-going training program for staff to ensure awareness and compliance of our social responsibility and other statutory requirements. Individual written policies and procedures are in place and adhered to in respect of:
  - (a) Access to Gambling by Children and Young Persons
  - (b) Access to Premises by the Gambling Commission's Enforcement Officers
  - (c) Advertising Standards and Marketing
  - (d) Customer Interaction
  - (e) Employment of Children and Young Persons
  - (f) Fair and Open Practice and Dispute Resolution
  - (g) Information on how to Gamble Responsibly and Help for Problem Gamblers
  - (h) Money Laundering, Cash Handling and Suspicious Transactions
  - (i) Self-Exclusion
- We operate our business with integrity, due care and diligence with necessary systems in place to combat crime and disorder. Written policies and procedures are in place concerning the handling of cash and cash equivalents designed to minimise the risk of crime, such as money laundering and the avoidance of illicit credit.
- Conflicts of interest between the Company and our customers are managed transparently and fairly, and, where complaints related to the outcome of gambling are not resolved to the satisfaction of both parties, we will refer the complainant to an approved alternative dispute resolution (ADR) entity.
- Gaming machines comply with the Gambling Commission's technical standards; exhibit the applicable maximum stake and monetary prize levels, and the chances of winning. The rules of each game are either available to customers in writing or communicated by staff.
- We do not provide credit in connection with gambling nor participate in, arrange, permit or knowingly facilitate the giving of credit in connection with gambling.
- We seek to prevent systematic or organised money lending between customers on the premises, and staff are trained to be alert to such practice, and to report any instances of substantial money lending to the Duty Manager if they become aware of them.
- It is prohibited to consume alcohol on our premises.

**Company:**

**Registered Address:**

**Date:**

## **GAMBLING ACT 2005**

Licence Conditions and Codes of Practice

### **Customer Complaints Policy & Procedure**

#### **TERMS OF REFERENCE**

This is the Company's written policy and procedure for handling customer complaints and disputes.

This Company has arrangements in place to give customers the option of referring a complaint related to the outcome of gambling to an independent person offering alternative dispute resolution services (an 'ADR entity') if we are not able to resolve the complaint to the customer's satisfaction.

It is permissible for an ADR entity to have terms enabling it to reject complaints referred for dispute resolution if the complaint is frivolous or vexatious, but licensees may not refuse to refer disputes on those grounds.

In this code a 'complaint' means a complaint about any aspect of the licensee's conduct of the licensed gambling activities, and a 'dispute' is any complaint which:

- relates to the outcome of the complainant's gambling transaction; and
- is not resolved at the first stage of the licensee's complaints procedure.

#### **This Company ensures that:**

1. information about our complaints procedure is set out in terms and conditions;
2. such information is also readily accessible on our gambling premises and/or website as the case may be;
3. information includes details of how to make a complaint to the Company and the identity and contact details of the person deputed to handle the complaint;
4. the information, that can be by way of a link from our website, names the ADR entity to whom disputes can normally be referred and, where necessary, details of any limitation on the nature and subject matter of disputes with which a particular ADR entity deals.
5. customers are given a copy of the complaints procedure on request or on making a complaint; and
6. all complaints are handled in accordance with the procedure.

Should the Company refer a dispute to ADR entity other than one in respect of which contact details were given in accordance with 1 to 6 above it will, at the same time as making the reference, inform the Commission of the reference and reason for selection of the ADR entity concerned.

The Company keeps a record of all complaints that are not resolved at the initial stage of the complaints procedure.

The Company arranges for a copy of the decision on, or a note of the outcome of, each dispute referred to an ADR entity to be provided to the Commission, either by the ADR entity or by the Company. This information is provided in such format and within such timescale as the Commission may from time to time specify.

The Company also arranges for any outcome adverse to the Company of any proceedings taken against the licensee (in whatever jurisdiction) by a customer in relation to a gambling transaction to be notified to the Commission as a key event; but excluding proceedings allocated to the County Court small claims track or equivalent in jurisdictions outside England and Wales.

The Company uses the following procedure which is updated from time to time. It includes:

1. Training for staff to deal initially with customer complaints including employer / employee responsibility
2. Written complaints procedure that is provided to customers
3. Complaint form if the customer is still not satisfied with the manner in which the Company has initially dealt with the complaint

## 1. Training for staff to deal with customer complaints procedures and dispute resolution

Note: **Under no circumstances are members of staff put in physical danger** nor will they be subjected to abuse. If a customer is threatening, then that person will be offered the written complaints & disputes procedure and complaint form, and be referred to the Company's strict policy of 'No Abuse'. If the customer continues to be threatening the circumstances will be treated in accordance with a disturbance on the premises, and the person will be asked to leave, and the police contacted to assist if necessary.

### Which complaints or disputes are covered?

A complaint, in the context of the LCCP, means a complaint solely about the conduct of the Company's activities. A dispute means a complaint which has not been resolved by the operator's complaints procedure to the satisfaction of both parties, and relates to the outcome of a gambling transaction.

### Responsibility of the Employer

The Company has a written procedure in place to:

- advise employees of the name of the appointed person who is to be contacted about complaints;
- ensure that all complaints are handled in accordance with the procedure throughout the investigative process;
- have arrangements in place for reference by a customer of a dispute to an alternative dispute resolution service for disputes (an 'ADR entity'); and
- maintain a record of all complaints, and those that evolve into disputes. All instances where the dispute is referred to the ADR entity will also be recorded together with outcome.

### Responsibility of the Employee

Members of staff will ensure that:

- the complainant is informed of the name of the appointed Company representative who will deal with the complaint, together with the appropriate contact details of that person;
- the complainant is issued with this complaints & disputes policy and procedure;
- the circumstances are recorded as contemporaneous notes as soon as possible following the incident and the notes are signed, dated and timed by the member of staff dealing. The notes are to be comprehensive and a true record of events, and
- members of staff, unless properly authorised by the Company, are not allowed to voice their own opinion as to the merits or otherwise of a complaint. Procedure is strictly adhered to.

## 2. Complaints Procedure

The Company endeavours to provide a high quality service to its customers and members of staff are trained how to deal with complaints at the initial stage. However, if you believe that things have gone wrong and your complaint was not resolved to your satisfaction at our premises, then please inform us as we take such reports seriously.

In the first instance the Company will review your complaint and will be dealt with by:

(name)..... who is (job title) .....

at (address).....

.....

Email Address: .....

### How to make a complaint

- Complaints, which we will deal with confidentially, should be submitted in writing, by letter or e-mail.
- The attached form should be used to record and submit complaints.
- Give as much detail as possible in order to assist the Company in the investigative process, together with witness details where appropriate.

### What happens next?

The Company will investigate and provide a full explanation of what we have done within **15 working days** of receiving a complaint. If this is not possible we will explain why and give a date by which a full response can be expected.

### If you are not satisfied with our response

If the complainant is not satisfied with our response to the complaint, that person should write to the Company's appointed ADR entity and ask for the matter to be reviewed, enclosing all previous correspondence relating to the complaint and using the attached dispute form. The ADR entity will acknowledge receipt of your correspondence without undue delay and, after review, inform you of its findings and possible resolution, if appropriate, usually within **60 days**. The review process is thorough and based upon the information that both parties and other independent individuals provide.

**The ADR procedure is undertaken by BACTA. Contact should be made in writing to the Complaints & Disputes Officer at BACTA, Third Floor, 134-136 Buckingham Palace Road, London SW1W 9SA or by email to [info@bacta.org.uk](mailto:info@bacta.org.uk).**

The services of ADR entity are free of charge to the complainant and are not subject to terms which restrict, or purport to restrict, the customer's right to bring proceedings against the licensee in any court of competent jurisdiction. Such terms may, however, provide for an agreed resolution of a dispute (arrived at with the assistance of the ADR entity) to be binding on both parties.

A proposal to resolve the dispute by the ADR entity is not binding on either the Complainant or the Company. Where either party is dissatisfied with the outcome of the ADR process, that party is at liberty to seek a remedy from other means, including civil courts.

**CUSTOMER \*COMPLAINT/\*DISPUTE FORM (\* Delete as appropriate)**

Complete only if:

- 1. you are not satisfied that the complaint has been resolved to your satisfaction at our premises, **OR**
- 2. if notifying the ADR entity when a complaint has developed into a dispute

Name: .....

Address: .....

..... Postcode .....

Daytime Telephone No .: .....

E-mail address: .....

Signature: ..... Date: .....

Is this an initial complaint/dispute or a follow up to a previous incident?

.....

.....

Where the complaint/dispute occurred, and a contact name or reference, if known.

Reference: .....

Company: .....

Name of Premises: .....

Address: .....

.....

Name or position of staff member that you initially spoke with, if known: .....

.....

.....

Date(s) of Incident: .....

Time(s) of Incident: .....

Names & Addresses or contact telephone numbers of any **independent** witnesses.

.....

.....

.....





**Record of Suspicious Monetary Transactions**

TIME	LOCATION	CIRCUMSTANCES	REPORTED TO MLO	SAR SENT TO NCA	OUTCOME
Day:  Date:  Time:	Site:  Address:  Ref:	Notes:  Photographs/CCTV  Y/N  Identity, if known, or description:	Day:  Date:  Time:	Day:  Date:  Time:	Notes:
Day:  Date:  Time:	Site:  Address:  Ref:	Notes:  Photographs/CCTV  Y/N  Identity, if known or description:	Day:  Date:  Time:	Day:  Date:  Time:	Notes:

To be retained on Site

Company: \_\_\_\_\_ Site Reference: \_\_\_\_\_ Serial No. / \_\_\_\_\_

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*

Site Name: .....

Site Address: .....

Customer Name: .....

Customer Date of Birth: .....

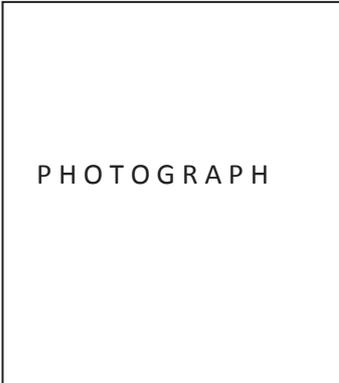
Customer Address: .....

.....

Customer Postcode: .....

Customer Email Address: .....

Customer Mobile Number: .....



I request that I be refused entry to .....  
 for **\*an initial period of 6 months (minimum) or \*a period of \* ..... months (no more than 12 months)**  
 from the date of signing, and acknowledge that I am not allowed to rescind my self-exclusion during this period.  
**The arrangement will be reviewed by both parties thereafter. \*Delete as applicable**

If I attend the premises set out in this agreement during the term of this exclusion and am identified by staff, I will be requested to leave the premises forthwith.

I acknowledge my responsibility in ensuring adherence to this agreement.

I acknowledge the Company, its employees and agents have no liability or claims arising from my voluntary use of the gambling facilities provided.

I have provided a photograph of myself to assist in the application of this request.

Signed: ..... (Customer)

Witnessed: ..... (Appointed Manager)      Date:.....

**SELF-EXCLUSION LOG REFERENCE No.** .....

**Note for Customer:** If you would like further advice or assistance, you may like to consider contacting the confidential National Gambling Helpline, operated by GamCare on **0808 8020 133**.

This form must be retained on site for the duration of the self-exclusion period and a copy given to the customer. Members of staff interfacing with customers should reacquaint themselves with the details of this self-exclusion, especially the photograph, on a regular and frequent basis.

Company: \_\_\_\_\_  
 Site Reference: \_\_\_\_\_ Serial No. / \_\_\_\_\_

**GAMBLING ACT 2005  
SELF-EXCLUSION REVIEW FORM**

Company: .....

Site Name: .....

Site Address: .....

.....

Post Code: .....

Customer Name: .....

Customer Date of Birth: .....

Customer Address: .....

.....

Post Code: .....

Review of self-exclusion agreement on: ..... (date)

Customer's Decision: .....
.....

Signature: ..... (Customer)                      Date: .....

Signature: ..... (Appointed Manager)                      Date: .....

**Request to resume access and gambling following the self-exclusion period.**

I confirm that I voluntarily no longer wish to be self-excluded from this site and other venues in the locality to which the agreement applies; that all options have been explained to me by the Company, and that I have experienced a cooling off period of at least 24 hours.

Signature: ..... (Customer)                      Date: .....

Signature: ..... (Appointed Manager)                      Date: .....

**To be retained on Site**

Company:    Site Reference:    Serial No.    /

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*  
**COMPLIANCE EVALUATION**

**Section 1 - Observation**

**Company:**.....

**Site:** ..... **Date:** ..... **Time:** .....

*Please circle either 'Y' (yes) or 'N' (no) as appropriate*

- |     |  |          |          |
|-----|--|----------|----------|
| 1.  | Are age restriction signs displayed prominently at the entrances to Adult Gaming Centers, (AGCs) clearly stating that it is illegal for persons under the age of 18 years to enter the premises or, equally prominent with the same clear message, at the entrances to adult gaming areas within a Licensed Family Entertainment Centre (Lic. FECs)? | <b>Y</b> | <b>N</b> |
| 2.  | Are entrances to AGCs and/or adult gaming areas appropriate so as not to attract children or young persons from entering?  | <b>Y</b> | <b>N</b> |
| 3.  | Are the entrances to AGCs or adult gaming areas effectively monitored, controlled and supervised taking into account the structure and layout of the premises so as to ensure that age restriction is adhered to?  | <b>Y</b> | <b>N</b> |
| 4.  | Are the barriers separating different licensed premises within the parameters of one 'building' of a solid construction, including the unlicensed areas separating different licensed premises?  | <b>Y</b> | <b>N</b> |
| 5.  | Are 'Stay in Control' posters prominently displayed, preferably framed, so as to be easily seen and read by all customers?   | <b>Y</b> | <b>N</b> |
| 6.  | Are 'Stay in Control' leaflets available in a dedicated rack, preferably below a 'Stay in Control' poster and discretely accessible to customers without the need to be asked for, and available for taking away?  | <b>Y</b> | <b>N</b> |
| 7.  | Are approved 'Proof of Age' application forms readily available for distribution, or are alternative and suitable schemes adopted to assist with compliance of age restriction policy?   | <b>Y</b> | <b>N</b> |
| 8.  | Do advertising, marketing and promotional notices comply with advertising standards?   | <b>Y</b> | <b>N</b> |
| 9.  | Is the Premises Licence clearly displayed (summary is sufficient)?   | <b>Y</b> | <b>N</b> |
| 10. | Is the Company registered for MGD  | <b>Y</b> | <b>N</b> |
| 11. | Are machines correctly and clearly labeled according to category of machine?   | <b>Y</b> | <b>N</b> |
| 12. | Are 'No Alcohol' signs clearly displayed?  | <b>Y</b> | <b>N</b> |
| 13. | Are 'No Smoking' signs clearly displayed?  | <b>Y</b> | <b>N</b> |

- |     |  |   |   |
|-----|--|---|---|
| 14. | Is the operation fully compliant with gaming legislation and other regulatory requirements, e.g. only the correct category of gaming machines provided on site; stake and prize levels appropriate for the type of premises; correct number of machines? | Y | N |
| 15. | Is the National Gambling Helpline telephone number on all categories of machines?  | Y | N |
| 16. | Are labels displayed on gaming machines (with the exception of Category 'D' machines located in AGCs) stating that under 18s are prohibited from playing.  | Y | N |

**Comment:**

*Please comment on all instances where 'N' is circled, giving a full explanation and what measures are to be adopted so as to comply with requirements..*

**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*  
**COMPLIANCE EVALUATION**

**Section 2 - Management**

**Company:**.....

**Site:** ..... **Date:**..... **Time:** .....

**Manager:** ..... **Length of Service:** .....

*Please circle either 'Y' (yes) or 'N' (no) as appropriate*

- |   |   |   |
|---|---|---|
| 1. Are you aware of, and understand, the three licensing objectives?  | Y | N |
| 2. Are you aware of procedures on how to respond to 'Authorised Persons' who properly identify themselves on the premises.                          | Y | N |
| 3. Are the following Licence Conditions and Codes of Practice written policy and procedure documents fully understood and available for inspection? |   |   |
| • Principal Concepts  | Y | N |
| • Access to gambling by children and young persons  | Y | N |
| • Access to premises by the GC's Enforcement Officers   | Y | N |
| • Advertising standards and marketing   | Y | N |
| • Customer interaction  | Y | N |
| • Employment of children and young persons  | Y | N |
| • Fair and open practice and dispute resolution   | Y | N |
| • Information on how to gamble responsibly and help for those with problems   | Y | N |
| • Money laundering, cash handling and suspicious transactions   | Y | N |
| • Self-exclusion  | Y | N |
| 4. Are the following logs up-to-date and available for inspection?  |   |   |
| • Attempted child or young person entry   | Y | N |
| • Customer interaction  | Y | N |
| • Incidents requiring police assistance   | Y | N |
| • Self-exclusion  | Y | N |
| • Staff training summary  | Y | N |
| 5. Are the following systems in place to demonstrate staff training and awareness of Company policies and procedures?                               |   |   |
| • Written policy and procedure records signed by staff  | Y | N |
| • Complaints and dispute resolution records   | Y | N |
| • Training attendance certificates  | Y | N |

6. Can the Company demonstrate robust risk assessment of age-verification and restriction by regularly conducting test purchases or other satisfactory and appropriate methods?	Y	N
7. Is age restriction policy strictly adhered to, and are members of staff effectively trained in its implementation?	Y	N
8. Are members of staff aware that it may be construed to be an act of 'gross misconduct' should they knowingly allow persons under the age of 18 years to enter an Adult Gaming Centre or adult gaming area(s) within a Licensed FEC, and is this a clause included in their contract of employment?	Y	N
8. Has a 'proof of age' scheme been adopted, and are approved application forms available?	Y	N
9. Are customers not inappropriately encouraged to play on gaming machines?	Y	N
10. Is there is a policy in place that precludes staff colluding with customers who ask them to lie on their behalf?	Y	N
11. Is it company policy to allow customers to change coins back to notes?	Y	N
12. Are relevant staff members trained to respond positively to customers who exhibit distress, say they have a problem with their gambling, or wish to be self-excluded?	Y	N
13. Is it accepted that the initial minimum period for self-exclusion is not less than 6 months, nor more than 12 months and are you aware of the requirement of implementing a 24-hour 'cooling off' period thereafter?	Y	N
14. Are staff members familiar with the self-exclusion policy and know what to do when a self-excluded individual attempts to enter the gaming area or attempts to gamble before the period of the self-exclusion agreement expires?	Y	N
15. Do stock control procedures ensure that 'Stay in Control' leaflets are always in the rack(s) and that a reserve supply is always available?	Y	N
16. Are you aware of how to order new stocks of 'Stay in Control' leaflets and posters?	Y	N
17. Are you aware of the requirements relating to advertising, marketing and promotions?	Y	N
18. Are copies of self-exclusion request forms retained on site and readily available for supply?	Y	N
19. Are all members of staff aware of requirements concerning young Persons who may be employed by the Company?	Y	N

20. Can you demonstrate that annual financial contributions are being Paid to appropriate agencies?	Y	N
21. Are you aware of the requirement to submit an annual regulatory Return to the Gambling Commission, and what information is required?	Y	N
22. Are you aware of procedures necessary under money laundering laundering regulations, and has the Company appointed a designated money laundering officer (MLO)?	Y	N
23. Has the Company participated in a recognised social responsibility awareness course?	Y	N
24. Are you aware that stakes must be returned to under-18s who have gambled in AGCs and adult areas and that they are not permitted to retain any monetary prize paid out?	Y	N
25. With regard to customer complaints and disputes, do you have a written policy and complaint form available to be handed to a complainant, and are you aware who the ADR entity is?	Y	N
26. Are you aware of the importance of ensuring the ongoing process of staff training in respect of adhering to the requirements of the LCCP, and the need to train new members of staff if when they are recruited to the Company?	Y	N
27. Are you aware of your obligations to inform the Gambling Commission should there be any 'key event' changes to your Operating Licence?	Y	N

**Comment:**

***Please comment on all instances where 'N' is circled, giving a full explanation and what measures are to be adopted so as to comply with requirements.***

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**GAMBLING ACT 2005**  
*Licence Conditions and Codes of Practice*  
**COMPLIANCE EVALUATION**

**Section 3 - Members of Staff**

**Company:** .....

**Site:**..... **Date**.....**Time:** .....

**Member of Staff:** .....**Length of Service:** .....

*Please circle either 'Y' (yes) or 'N' (no) as appropriate*

1. Do you have a good understanding of the following Licensing Conditions and Codes of Practice written policies and procedures where they are relevant to your particular duties?:
 

• Access to gambling by children and young persons	Y	N
• Access to premises by the GC's Enforcement Officers	Y	N
• Customer interaction	Y	N
• Employment of children and young persons	Y	N
• Fair and open practice and dispute resolution	Y	N
• Information on how to gamble responsibly	Y	N
• Money laundering	Y	N
• Self-exclusion	Y	N
  
2. Are you aware of and understand the content of the following logs?
 

• Attempted child entry	Y	N
• Customer interaction	Y	N
• Incidents requiring police assistance	Y	N
• Self-exclusion	Y	N
• Staff training summary	Y	N
  
3. Do you understand the systems in place to demonstrate staff training and awareness of the following Company policies and procedures?
 

• Written policy and procedure records signed by staff	Y	N
• Staff training summary sheet	Y	N
• Complaints and dispute resolution records	Y	N
  
4. Is age restriction policy known to you and applied?
 

	Y	N
--	---	---
  
5. What 'Proof of Age' scheme is in use and are you aware of where the application forms are located?
 

	Y	N
--	---	---

6. Are you instructed that customers are not inappropriately encouraged to play on gaming machines?	Y	N
7. Are you aware that you must not collude with customers who ask you to lie on their behalf?	Y	N
8. Are you aware that it is an act of 'gross misconduct' if you knowingly allow a person under the age of 18 years to enter an Adult Gaming Centre or adult gaming area(s) within a FEC?	Y	N
9. Do your instructions permit that a customer may change coins back into notes?	Y	N
10. Are you aware of what your actions should be if you were to be approached by a customer who asks for help to deal with a gambling problem to do with themselves or with a relative or friend?	Y	N
11. Do you know which member of staff has been appointed by the Company to supervise 'customer interaction' and 'self-exclusion' issues?	Y	N
12. Are you aware of what behavior might be characteristic in a person whose gambling is out of control, and what your actions should be if you observe a customer displaying such behavior?	Y	N
13. Are you aware that the Company offers a facility of self-exclusion for customers who are experiencing problems with their gambling, and that the minimum period of self-exclusion is 6 months?	Y	N
14. Are you aware of the requirement of a 24-hour 'cooling off' period following a term of self-exclusion?	Y	N
15. Are you aware of what your actions must be should a self-excluded customer enter the gambling area or attempt to gamble during the course of their self-exclusion period?	Y	N
16. Are you aware that 'Stay in Control' leaflets should always be available in the racks, and where replacement stock is stored?	Y	N
17. Are you aware of where the Self-Exclusion Request forms are kept?	Y	N
18. Do you know what your actions must be when Gambling Commission Enforcement Officers properly identify themselves on the premises ?	Y	N
19. Are you aware of the employment limitations with regard to children and young persons employed by the Company?	Y	N
20. Are you aware of procedures required under the money laundering regulations – who is the appointed MLO?	Y	N
21. Have you been trained in social responsibility awareness?	Y	N

- |  |   |   |
|--|---|---|
| 22. Are you aware that stakes must be returned to under-18s who you have identified as having gambled in the AGC (or adult area) and that they are not permitted to retain any monetary prize? | Y | N |
| 23. Are you aware of the companies policy in dealing with complaints and disputes and where written copies of this policy and complaint forms are kept?  | Y | N |
| 24. Are you aware of the three Licensing Objectives?   | Y | N |
| 25. Do you feel that you have received sufficient training in what is expected of you in respect of knowledge and implementation of gambling law requirements?                                 | Y | N |

**Comment:**

*Please comment on all instances where 'N' is circled, giving a full explanation and what measures are to be adopted so as to comply with requirements.*

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## Social Responsibility Code Provision 1.1.2

### Responsibility for Third Parties

Licensees must take responsibility for third parties with whom they contract for the provision of any aspect of the licensee's business related to the licensed activities and ensure that the terms on which they contract with such third parties:

- a) require the third party to conduct themselves in so far as they carry out activities on behalf of the licensee as if they were bound by the same licence conditions and subject to the same codes of practice as the licensee
- b) oblige the third party to provide such information to the licensee as they may reasonably require in order to enable the licensee to comply with their information reporting and other obligations to the Commission
- c) enable the licensee, subject to compliance with any dispute resolution provisions of such contract, to terminate the third party's contract promptly if, in the licensee's reasonable opinion, the third party is in breach of contract (including in particular terms included pursuant to this code provision) or has otherwise acted in a manner which is inconsistent with the licensing objectives.

#### **Notes:**

- The Commission is not interested in cleaning activities etc unless that has an impact on the licensed activities.
- Operators must also build in terms to those contracts to enable termination of the contract when things go wrong.
- There can be dispute resolution procedures which apply when these termination clauses are invoked.

## Qualified Persons

1. In this condition the terms 'small-scale operator', 'qualifying position' and 'qualified person' have the meanings respectively ascribed to them by the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.
2. Schedule X1 lists those individuals notified to the Commission as qualified persons.
3. If, whilst the licensee remains a small-scale operator, an individual begins or ceases to occupy a qualifying position in relation to the licensee, the licensee must within 28 days apply to the Commission under section 104(1)(b) of the Act for amendment of the details of the licence set out in Schedule X1.
4. An application for amendment under section 104(1)(b) of the Act may be made in advance of an individual beginning or ceasing to occupy a qualifying position provided it specifies the date from which the change to which it relates is to be effective.
5. In this condition 'qualified person' has the same meaning as in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.

## PERSONAL LICENCES

1. Subject to 6 and 7 below, licensees must ensure:
  - that each individual who occupies one of the management offices specified in 2 below in respect of the licensee or in connection with the licensed activities holds a personal licence authorising the performance of the functions of that office (hereafter 'a personal management licence'); and
  - that at least one person occupies at least one of those offices.
2. The specified management offices are those offices (whether or not held by a director in the case of a licensee which is a company, a partner in the case of a licensee which is a partnership or an officer of the association in the case of a licensee which is an unincorporated association) the occupier of which is by virtue of the terms of their appointment responsible for:
  - a) the overall management and direction of the licensee's business or affairs
  - b) the licensee's finance function as head of that function
  - c) the licensee's gambling regulatory compliance function as head of that function. The Commission makes explicit the approach that the head of compliance will not normally occupy (without Commission approval) any other specified management office, such as head of marketing. This LCCP requirement does not apply to small scale operators
  - d) the licensee's marketing function as head of that function
  - e) the licensee's information technology function as head of that function in so far as it relates to gambling-related information technology and software
  - f) oversight of the day to day management of the licensed activities at an identified number of premises licensed under Part 8 of the Act or across an identified geographical area
  - g) in the case of casino and bingo licences only, oversight of the day to day management of a single set of premises licensed under Part 8 of the Act.
3. The person responsible for the licensee's gambling regulatory compliance function as head of that function shall not, except with the Commission's express approval, occupy any other specified management office.
4. Licensees must take all reasonable steps to ensure that anything done in the performance of the functions of a specified management office is done in accordance with the terms and conditions of the holder's personal management licence.
5. Where an individual is authorised by a personal licence and that licence comes under review under section 116(2) of the Act, the operating licensee must comply with any conditions subsequently imposed on that licence by the Commission about redeployment, supervision, or monitoring of the individual's work and any requirements of the Commission in respect of such matters applicable during the period of the review.

6. Paragraphs 1 to 5 above shall not apply to a licensee for so long as the licensee is a 'small-scale operator' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006 ('the Regulations').
7. During the period of 3 years commencing with the date on which a licensee ceases to be a small-scale operator paragraphs 1 to 6 above shall apply subject to the proviso that the phrase 'each individual' in paragraph 1a shall not include any individual who was a 'qualified person' (as defined in the Regulations) in relation to the licensee 28 days immediately prior to the licensee ceasing to be a small-scale operator.

## Key Events

A key event is an event that could have a significant impact on the nature or structure of a licensee's business. Licensees must notify the Commission, or ensure the Commission is notified, in such form or manner as the Commission may from time to time specify, of the occurrence of any of the following key events as soon as reasonably practicable and in any event within five working days of the licensee becoming aware of the event's occurrence.

### Operator status

1. In the case of licensees which are companies, a petition being presented for their winding up or the winding up of any group company of theirs, or they or any group company being placed in administration or receivership or their directors proposing to creditors a composition in satisfaction of its debts or a scheme of arrangement of its affairs.
2. In the case of licensees which are bodies corporate, but not companies, any event substantially equivalent to those listed at 1 above.
3. In the case of a licensee who is an individual (or a partner in a partnership licensee) their being presented with a petition for their bankruptcy or sequestration or their entering into an individual voluntary arrangement.

### Relevant persons and positions

4. In the case of licensees who are companies or other bodies corporate having a share capital, the name and address of any person who (whether or not already a shareholder or member) becomes a shareholder or member holding 3% or more of the issued share capital of the licensee or its holding company.
5. Any investment in a licensee which is not by way of subscription for shares.
6. The taking of any loan by the licensee, or by a group company who then makes an equivalent loan to the licensee, from any person not authorised by the Financial Conduct Authority: a copy of the loan agreement must be supplied.
7. The entering into an arrangement whereby a third party provides services to, or grants any licence concession or permission to, the licensee other than for full value: full details of the arrangements must be supplied.
8. The appointment of a person to, or a person ceasing to occupy, a 'key position': a 'key position' in relation to a licensee is:
  - a) in the case of a small-scale operator, a 'qualifying position' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006
  - b) in the case of an operator which is not a small-scale operator, a 'specified management office' as set out in (current) LCCP licence condition 1.2

- c) a position the holder of which is responsible for the licensee's anti-money laundering procedures, including suspicious activity reporting
  - d) any other position for the time being designated by the Commission as a 'key position'. (Notification is required whether or not the person concerned is required to hold a personal management licence and whether or not the event notified requires the licensee to apply for a variation to amend a detail of their licence.)
9. Any change to the structure or organisation of the licensee's business which affects a 'key position' or the responsibilities of its holders

### **Financial events**

- 10. Any material change in the licensee's banking arrangements, in particular the termination of such arrangements or a particular facility and whether by the licensee or the provider of the arrangements.
- 11. Any breach of a covenant given to a bank or other lender.
- 12. Any default by the licensee or, where the licensee is a body corporate, by a group company in making repayment of the whole or any part of a loan on its due date.
- 13. Any court judgments (in whatever jurisdiction) against the licensee or, where the licensee is a body corporate, a group company, remaining unpaid 14 days after the date of judgment.
- 14. Where the licensee is required to have their accounts independently audited, any qualification to an auditors' report; and any unplanned change of auditor including a change prompted by a dispute or resulting from auditors being unable or unwilling to sign an unqualified audit report.
- 15. Any change in the licensee's arrangements for the protection of customer funds in accordance with the general licence condition 4 relating to the protection of customer funds (where applicable).
- 16. Where the licensee holds customer funds in a separate bank account, any deficit on reconciliation of such bank account.
- 17. Any change in the licensee's arrangements as to the methods by which, and/or the payment processors through which, the licensee accepts payment from customers using their gambling facilities (this key event applies to remote casino, bingo and betting operating licences, except ancillary and remote betting intermediary (trading room only) licences).

### **Legal or regulatory proceedings or reports**

- 18. The grant, withdrawal or refusal of any application for a licence or other permission made by the licensee, or in the case of a licensee which is a body corporate, any group company of theirs, to a gambling regulator in another jurisdiction. In the case of a withdrawal or refusal of the application, the licensee must also notify the reasons for such withdrawal or refusal. (This condition does not apply to applications for licences or other permissions to carry on activities which would fall outside

the scope of a Gambling Commission operating licence if carried out in Britain or with customers in Great Britain.)

19. Any investigation by a professional, statutory, regulatory or government body (in whatever 10 jurisdiction) into the licensee's activities, or the activities in relation to the licensed entity of a personal licence holder or a person occupying a qualifying position employed by them, where such an investigation could result in the imposition of a sanction or penalty which, if imposed, could reasonably be expected to raise doubts about the licensee's continued suitability to hold a Gambling Commission licence.
20. The receipt of any report from a professional, statutory or other regulatory or government body (in whatever jurisdiction) of the outcome of a compliance assessment in relation to the gambling activity of the licensee or, where the licensee is a body corporate, of any group company in which at least one person who holds a key position in or in respect of the licensee holds a key position: a copy of the report should be provided where available to the licensee.
21. The referral to the licensee's Board, or persons performing the function of an audit or risk committee, of material concerns raised by a third party (such as an auditor) about the provision of facilities for gambling which are expressed (in whatever terms) as requiring attention as a high priority: a summary of the nature of the concerns must be provided.
22. The imposition by the licensee of a disciplinary sanction, including dismissal, against the holder of a personal licence or a person occupying a qualifying position for gross misconduct; or the resignation of a personal licence holder or person occupying a qualifying position following commencement of disciplinary proceedings in respect of gross misconduct against that person.
23. The commencement (in whatever jurisdiction) of any material litigation against the licensee or, where the licensee is a body corporate, a group company: the licensee must also notify the outcome of such litigation.
24. The making of a disclosure pursuant to section 330, 331, 332 or 338 of the Proceeds of Crime Act 2002 or section 19, 20, 21, 21ZA, 21ZB or 21A of the Terrorism Act 2000 (a suspicious activity report): the licensee should inform the Commission of the unique reference number issued by the United Kingdom Financial Intelligence Unit of the National Crime Agency in respect of each disclosure and for the purposes of this key event the five working day period referred to above runs from the licensee's receipt of the unique reference number.

### **Gambling facilities**

25. Any breach in the licensee's information security that adversely affects the confidentiality of customer data or prevents customers from accessing their accounts for longer than 24 hours.
26. Any change in the identity of the ADR entity or entities for the handling of customer disputes, as required by the social responsibility code provision on complaints and disputes.
27. The reference of a dispute to an ADR entity other than one in respect of which contact details were given in accordance with the social responsibility code provision on complaints and disputes; the reason for selection of that ADR entity should be given.

28. In the case of remote gambling, the commencement or cessation of trading on website domains (including mobile sites or mobile device applications) or broadcast media through which the licensee provides gambling facilities.

**In this condition:**

- 'body corporate' has the meaning ascribed to that term by section 1173 of the Companies Act 2006 or any statutory modification or re-enactment thereof
- in respect of a company, 'holding company' and 'subsidiary' have the meaning ascribed to that term by section 1159 of the Companies Act 2006 or any statutory modification or re-enactment thereof
- a 'group company' is any subsidiary or holding company of the licensee and any subsidiary of such holding company. 1 Key events can be reported securely online at the Commission's website through our eServices system [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)
- Alternatively, for operators unable to access this system, you can report a key event by email to: [key.events@gamblingcommission.gov.uk](mailto:key.events@gamblingcommission.gov.uk)

**Other Reportable Events**

Licensees must also notify the Commission in such form or manner as the Commission may from time to time specify, or ensure that the Commission is so notified, as soon as reasonably practicable of the occurrence of any of the following events:

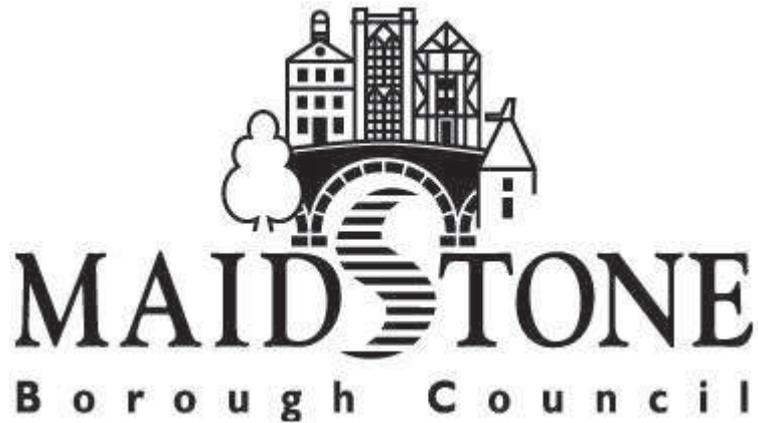
- a) the conclusion of a dispute referred to an ADR entity and in such case providing the Commission with a copy of the decision or note of the outcome.
- b) Any outcome adverse to the licensee of any proceedings taken against the licensee (in whatever jurisdiction) by a customer in relation to a gambling transaction; but excluding proceedings allocated to the County Court small claims track or equivalent in jurisdictions outside England and Wales

On request, licensees must provide the Commission with such information as the Commission may require about the use made of facilities provided in accordance with this licence, and the manner in which gambling authorised by this licence and the licensee's business in relation to that gambling are carried on, including in particular information about:

- a) the numbers of people making use of the facilities and the frequency of such use
- b) the range of gambling activities provided by the licensee and the numbers of staff employed in connection with them
- c) the licensee's policies in relation to, and experiences of, problem gambling. 2 In particular within 28 days of the end of each quarterly period or, for those only submitting annual returns, within 42 days of the end of each annual period, licensees must submit a Regulatory Return to the Commission containing such information as the Commission may from time to time require.

**Summary of Mandatory and Default Licence Conditions****Adult Gaming Centre Licence****Mandatory conditions attaching to adult gaming centre premises licences**

- The summary of the terms and conditions of the premises licence shall be displayed in a prominent place within the premises.
  - The layout of the premises shall be maintained in accordance with the plan.
  - The premises shall not be used for
    - a) the sale of tickets in a private lottery or customer lottery.or
    - b) the sale of tickets in any other lottery in respect of which the sale of tickets on premises is otherwise prohibited.
- 1.** A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
  - 2.** No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.
  - 3.** Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
  - 4.** —(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.  
  
(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.



## **Maidstone Borough Council**

### **'Gambling Act 2005 Statement of Licensing Principles'**

"Prepared in Accordance with Legislation and  
Gambling Commission Guidance"

**January 2013**

**V0.3**

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## **1. The Licensing Objectives**

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

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

This Licensing Authority is aware that, as per Section 153, in exercising its functions under Part 8 of the Act 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

## **2. Introduction**

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

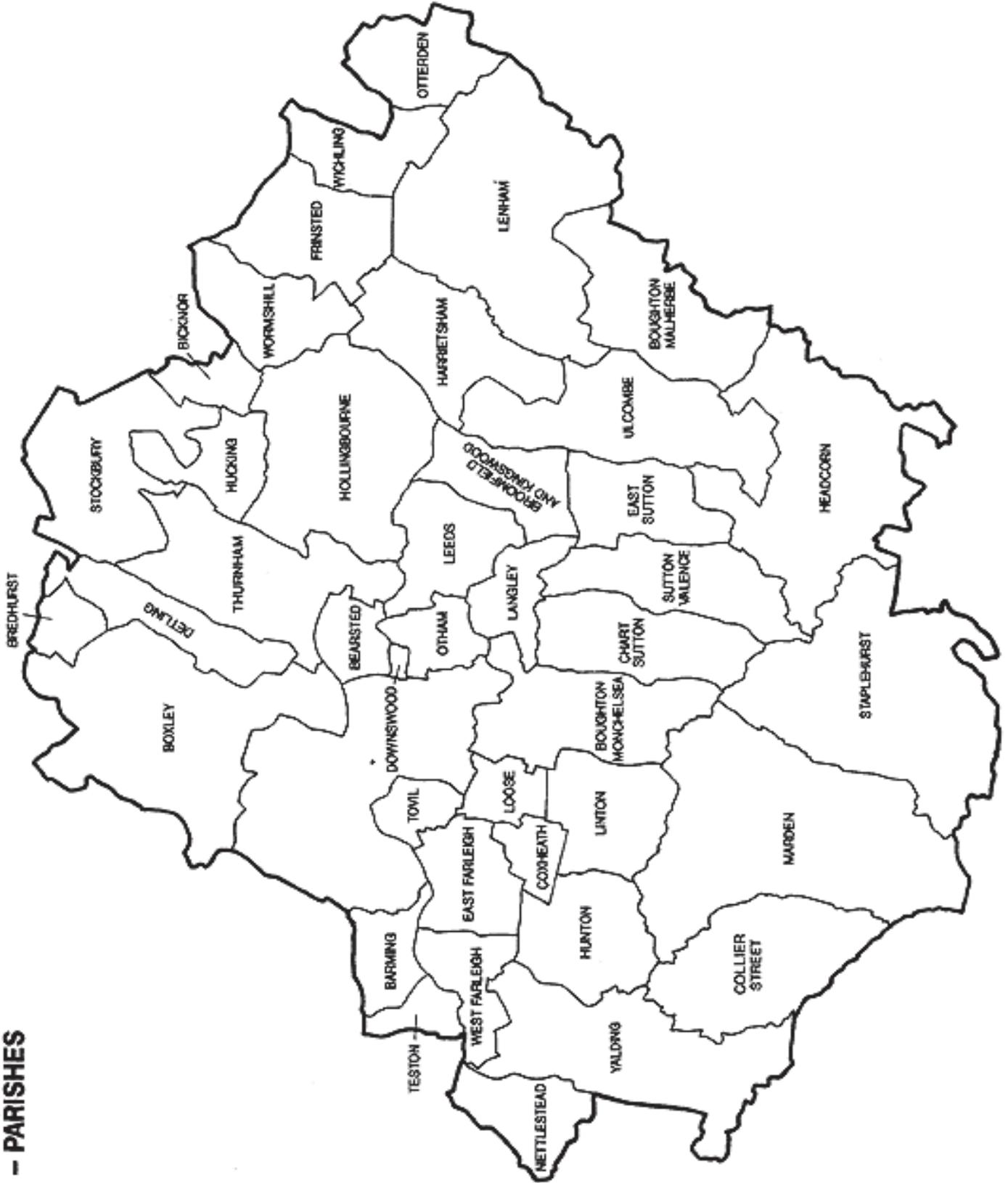
This policy has been formulated in discussion with the Kent & Medway Regulatory Licensing Steering Group.

The Council area has a population of 140,000 (2001 Census<sup>i</sup>) making it the second largest in the County in terms of population. In terms of area it is the largest, covering 97,000 acres. The Council area is mainly rural surrounding the urban area of Maidstone. The Council is partly parished and the parish boundaries are shown on the map below.

<sup>1</sup> Figures for the 2010 census will be available in September 2012, amendments will be made then

The Maidstone Borough Council Area

MAIDSTONE BOROUGH COUNCIL  
- PARISHES



Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles that they proposed 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 and will give appropriate weight to the views of those who respond to its consultation.

Maidstone Borough Council consulted widely on this Policy Statement before finalising and publishing. A list of the persons we consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

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

The list of persons consulted when preparing this Policy Statement is deliberately wide. The List of persons this Authority consulted is attached at Appendix 3.

Our consultation took place between 1 August 2012 and 24 October 2012

In determining its Statement of Principles 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 particular representations, the factors to be taken into account included:

- who is making the representations (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 representations relate to matters that the Licensing Authority should be including in its Statement of Principles.

The full list of comments made and the consideration by the Council of those comments is available by request to Neil Harris – Head of Democratic Services at: Licensing Department, Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ.

- Email: [neilharris@maidstone.gov.uk](mailto:neilharris@maidstone.gov.uk)
- Tel: 01622 602020
- Council's website at: [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

The policy was approved at a meeting of the Full Council on **12 December 2012** and was published via our website **13 December 2012**. Copies have been placed in the public libraries of the area as well as being available in the principal Council Offices.

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

Name: Neil Harris  
Head of Democratic Services  
Address: Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone Kent ME15 6JQ  
E-mail: [neilharris@maidstone.gov.uk](mailto:neilharris@maidstone.gov.uk)

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

### **3. Declaration**

In producing the final Statement of Licensing Principles, 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.

#### **4. Casinos**

##### **Proposal for a Casino**

This Licensing Authority submitted a proposal for a Premises Licence for a small casino, to the Independent Casinos Advisory Panel. Details regarding this proposal are available via request to Zena Cooke, Director of Regeneration and Communities, on 01622 602364. The submission was not shortlisted for further consideration by the Panel.

##### **No Casinos resolution**

This Licensing Authority has NOT passed a 'No Casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution. Any such decision will be made by the Full Council.

##### **Casinos and Competitive Bidding**

This Licensing Authority is aware that where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the Local Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations/codes of practice issued under the Gambling Act 2005.

## Licence Considerations/Conditions

This Licensing Authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

## Betting Machines

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## 5. The licensable activities

Some matters in the Act are determined by the Gambling Commission and some by Maidstone Council as Licensing Authority. The table below sets out those matters determined by the Council. The Gambling Commission functions are set out on page 31.

<b>Function</b>	<b>Who deals with it</b>
Issuing of <i>Premises Licences</i> . where gambling activities are to take place.	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 to 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) for the use of two or fewer gaming machines.	Licensing Authority
Issue <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 there are more than two machines.	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 8. on Exchange of Information).	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions.	Licensing Authority

Please Note:

The Gambling Commission functions are listed on page 33.

The Licensing Authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via Operating Licences.

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

## 6. 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; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

In accordance with the Gambling Commission's draft Guidance for Local Authorities this Authority designates the following for this purpose:

Children, Families and Education  
Strategy, Policy and Performance  
Sessions House  
County Hall  
Maidstone  
Kent ME14 1XQ

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 4.

## 7. 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 follows:

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

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b)”

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 as per the Gambling Commission’s Guidance to Local Authorities (paragraphs 8.11 to 8.18):

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults;
- the ‘catchment’ area of the premises (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 Para 5.28 September 2012 4<sup>th</sup> Edition Guidance).

The Gambling Commission has recommended that the Licensing Authority state that interested parties include trade associations and trade unions, and residents and tenants’ associations (paragraph 8.17). 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 activities being applied for.

Interested Parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be Interested Parties. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

Care should be taken when approaching Councillors that they are not part of the Licensing Committee dealing with the Licence application as this may put them in a difficult position by giving them an interest and it may even disable them from sitting on the Committee. If there are any doubts then please contact Mr Neil Harris on 01622 602020 and email [neilharris@maidstone.gov.uk](mailto:neilharris@maidstone.gov.uk).

## **8. Exchange of Information**

Licensing Authorities are required to include in their Policy Statement 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 Gambling Commission, and the functions under Section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened and its duties under the Freedom of Information Act 2000. The 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.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.

## **9. Enforcement**

The Kent & Medway Licensing Steering Group has formulated an Enforcement Protocol which each Licensing Authority and Responsible Authority has agreed.

The purpose of this Protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003. It will underpin the mutual operational support required to tackle licensing issues. A copy of this can be requested from Neil Harris, Head of Democratic Services, 01622 602020 or by email [neilharris@maidstone.gov.uk](mailto:neilharris@maidstone.gov.uk).

In accordance with the Gambling Commission's Guidance for Local Authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

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.

This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and it 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.

This Licensing Authority has adopted and implemented a risk based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36; and
- The principles set out in this statement of licensing policy.

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 its authorises.

The Gambling Commission will be the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments as regards work of the BIS Department for Business Innovation and Skills in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department, Neil Harris, Head of Democratic Services [neilharris@maidstone.gov.uk](mailto:neilharris@maidstone.gov.uk) or [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk) our risk methodology is also available on request.

## APPENDIX 1

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

*"The Licensing Authority should set out in its statement what factors it may take into account when considering applications for premises licences, permits and other permission and matters that it will consider when determining whether to review a licence. This is where considerations such as the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children, should be detailed (where they are relevant). Any such policy must, however, come with the qualification that each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, that will have to be taken into account."* (6.37)

### 1. PERMITS

#### (i) **Unlicensed Family Entertainment Centre Gaming Machine Permits**

##### **(Statement of Principles on Permits - Schedule 10 Paragraph 7)**

Where a premise 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).

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

The Gambling Commission's Guidance for Local Authorities states:

*"In its Licensing Authority 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. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues."*(24.6)

The Guidance also states:

*"The licensing authority can grant or refuse an application for a permit, but cannot add conditions. 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. Unlicensed FECs, by definition, will not be subject to*

*scrutiny by the Commission as no operating (or other) licences will be applied for and issued. Licensing authorities might wish to consider asking applicants to demonstrate:*

- *a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs*
- *that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)*
- *that employees are trained to have a full understanding of the maximum stakes and prizes.”(24.7)*

### **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, or children causing perceived problems on/around the premises. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

With regard to **renewals** of these permits, the licensing authority may only refuse to renew a permit on the grounds that:

- an authorised local authority officer has been refused access to the premises without reasonable excuse
- renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit. (24.17)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

### **(ii) (Alcohol) Licensed Premises 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 applicant merely needs to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 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 must 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 harm 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.

Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also 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 is recognised that some alcohol licensed premises may require a Premises Licence for their non-alcohol licensed areas.

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

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 issued by the Gambling Commission about the location and operation of the machine.

**(iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**

The Gambling Act 2005 states that a Licensing Authority may:

“Prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which

“May, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a **Statement of Principles** which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 that the permit holder must comply with, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

#### **(iv) Club Gaming and Club Machines Permits**

Members Clubs and Miners’ Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide up to three gaming machines in total of categories B4, C or D but only one machine of category B3A, 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 gaming machines in total of categories B4, C or D but only one machine of category B3A,.

Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit.

Gambling Commission 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 permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations. They may apply for club gaming or club machine permits."*

This Licensing Authority is aware that:

"Licensing Authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a Members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the Police"(25.40)

When considering whether the applicant fulfils the requirements for a members' or commercial club or miners' welfare institute it will take account of the factors listed in section 25 of the Commission's Guidance

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 Schedule 12 paragraph 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 that:*

- (a) *the Club is established primarily for gaming, other than gaming prescribed under section 266 of the Act*
- (b) *in addition to the prescribed gaming, the applicant provides facilities for other gaming; or*
- (c) *a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled.” (25.45)*

When considering whether the club is established primarily for gaming the Licensing Authority will take account of the factors listed in section 25 of the Commission’s Guidance

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

## 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 which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This 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 will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This 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 non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

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

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

This 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, this 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 including "split premises"**

"Premises" is defined in the Act as "any place" Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities are advised to pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that:

*"In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."* (7.14)

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice, that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and 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. (7.18)

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?

- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below from paragraph 7.25 of the Guidance.

### **(iii) Location**

This 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, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does 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) Primary Activity**

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities. The Licensing Authority will take account of the Commission's document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

### **(v) Planning**

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

This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.

It will, though, listen to, and consider carefully, any concerns about conditions which are not able to be met by Licensees due to planning restrictions should such a situation arise.

**(vi) Duplication**

As stated in Section 9. on Enforcement, as per the Gambling Commission's Guidance for Local Authorities, this Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

**(vii) Door Supervisors**

The Gambling Commission advises in its Guidance for Local Authorities that Licensing Authorities may consider whether there is a need for Door Supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Door Supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). This Licensing Authority therefore has specific requirements for Door Supervisors working at casinos or bingo premises which are that they provide a CRB check with no relevant current convictions. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

For premises other than casinos and bingo premises, operators and Licensing Authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA Licensed or not. It will not be automatically assumed that they need to be.

**(viii) Licensing Objectives**

This Licensing Authority has considered the Gambling Commission's Guidance to Local Authorities and some comments are provided with regard to the licensing objectives.

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

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of Door Supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether Police assistance was required and how threatening the behaviour was to those who witnessed it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

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

This Licensing Authority has noted that the Gambling Commission in its Guidance for Local Authorities has noted that:

*“Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.”*

This Licensing Authority also notes, however, that the Gambling Commission also states:

*“In relating to the licensing tracks the Licensing Authorities’ role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.”*

This Licensing Authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.

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

This Licensing Authority has noted the Gambling Commission's Guidance for Local Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this Licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas etc.

This Licensing Authority will also take into account the Codes of Practice which the Gambling Commission issues as regards this Licensing objective, in relation to specific premises such as casinos.

As regards the term “*vulnerable persons*” it is noted that the Gambling Commission is not seeking to offer a definition but states that:

*“It will be for regulatory purposes to assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”*

This Licensing Authority will consider the objective on a case-by-case basis. Should a practical definition prove possible in future then this Policy Statement will be updated with it, by way of a revision.

## **(ix) 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.

As well as consideration as to whether the request is frivolous, vexatious, or will certainly not cause this 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.

Review will be determined by the Licensing Committee.

## **(x) Provisional Statements**

Section 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

This Licensing Authority notes the Guidance for the Gambling Commission which states 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"; and that*

*"Requiring the building to be complete ensures that the Authority can inspect it fully".*

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 reflects a change in the operator's circumstances.
- (c) Where the premises has not been constructed (11.9 Guidance)

This Licensing Authority has noted the Gambling Commission's Guidance that:

*"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 way of representations 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."*(11.7, 11.8 & 11.9)

#### **(xi) Adult Gaming Centres**

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however 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.

The question of sub-division of such premises has been the subject of further Gambling Commission Guidance. This Licensing Authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to such applications any decision-making.

This Authority accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect to such applications.

## **(xii) (Licensed) Family Entertainment Centres**

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

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however 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.

This 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 as published in the 3<sup>rd</sup> Edition Guidance May 2009.

## **(xiii) Tracks**

This Licensing Authority is aware that tracks may be subject to more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing Authority will therefore expect the Premises Licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however 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-baring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

### ***Gaming machines***

Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority notes the Commission's Guidance that Licensing Authorities therefore need to consider the location of gaming machines at tracks, and applications for track Premises Licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

### ***Betting machines***

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. (16.34)

It will also take note of the Gambling Commission's suggestion that Licensing Authorities will want to consider restricting the number and

location of such machines in respect of applications for track betting premises licences.

### ***Condition on rules being displayed***

The Gambling Commission has advised in its Guidance for Local Authorities that "... *Licensing Authorities should attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.*"

### ***Applications and plans***

This Licensing Authority awaits regulations setting out any specific requirements for applications for Premises Licences but is in accordance with the Gambling Commission's suggestion:

*"To ensure that Licensing Authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities; and that*

*Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence."*

This Licensing Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate Premises Licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

### **(xiv) Bingo**

The Gambling Commission's Guidance states:

*"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas."*

This Licensing Authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming

machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

In these cases this Licensing Authority will have particular regard to the Gambling Commission Guidance on the 'meaning of premises' (7.12 – 7.20) and how it relates to the primary gambling activity.

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

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

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

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

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

#### **(xvi) Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, e.g. backgammon, mah-jongg ,rummy kalooki, dominoes, cribbage, bingo and poker.

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

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

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

#### **(xvii) Occasional Use Notices**

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

#### **(xviii) Travelling Fairs**

The Act defined a travelling fair as "wholly or principally" providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.

It will fall to this 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

our boundaries is monitored so that the statutory limits are not exceeded.

**(ixx) Betting Premises  
Betting Machines**

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature /circumstances of betting machines an operator wants to offer.

The Licensing Authority recognises that the design and layout of betting premises (or any other premises including tracks) will vary so will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff properly monitor the use of these machines by children and young persons.

This Licensing Authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

Factors to be taken into consideration will include the following:

- \_ CCTV
- \_ Re-location of the machines
- \_ Door buzzers
- \_ Remote cut off switches
- \_ Training provision
- \_ Any other factor considered relevant

## 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 Tribunal

**LIST OF PERSONS CONSULTED**

**All Maidstone Borough Councillors**

**All Parish Councillors**

**All premises currently licensed to sell or supply alcohol**

**All premises currently licensed for regulated entertainment**

**All premises currently licensed for late night refreshments**

**Any other prescribed in regulations by Secretary of State**

**Town Centre Management**

**Environment Agency**

**British Waterways Board**

**GamCare**

2 & 3 Baden Place

Crosby Row

London SE1 1YW

Tel: 020 7378 5200

Website: [www.gamcare.org.uk](http://www.gamcare.org.uk)

**The Bingo Association**

Lexham House

75 High Street (North)

Dunstable

Bedfordshire LU6 1JF

Tel: 01582 860921

Website: [www.bingo\\_association.co.uk](http://www.bingo_association.co.uk)

**British Casino Association**

38 Grosvenor Gardens

London SW1W 0EB

Tel: 020 7730 1055

Website: [www.britishcasinoassociation.org.uk](http://www.britishcasinoassociation.org.uk)

**This list is not finite and other persons or organisations may be added.**

**RESPONSIBLE AUTHORITIES CONTACT DETAILS****Licensing Authority**

Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent ME15 6JQ

**Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham B2 4BP

**Chief Officer of Police for the area in which the premises is wholly or partially situated.**

Maidstone Police Station  
Palace Avenue  
Maidstone  
Kent ME15 6NF

**Kent Fire & Rescue Service**

The Godlands  
Tovil  
Maidstone  
Kent  
ME15 6XB

**Local Planning Authority**

Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent ME15 6JQ

**Environmental protection/Health & Safety**

Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent ME15 6JQ

**Kent Social Services**

Children, Families and Education  
Strategy, Policy and Performance  
Sessions House  
County Hall  
Maidstone  
Kent  
ME14 1XQ

**HM Revenue and Customs**

National Registration Unit

Portcullis House

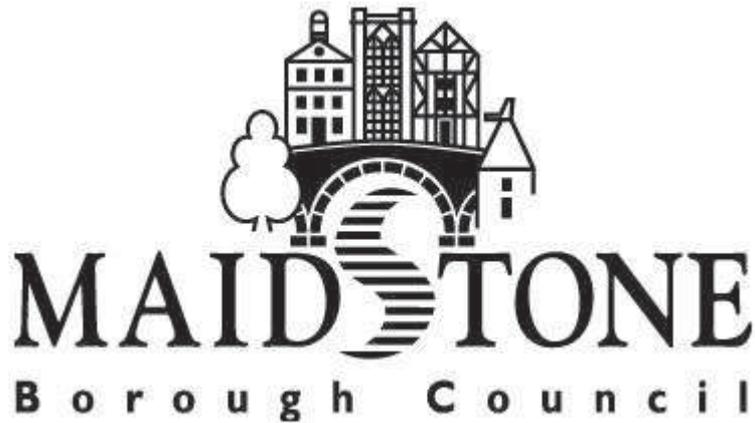
21 Indian Street

Glasgow

G2 4PZ

## TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

<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	X		
Policy not to permit casinos	X		
Fee Setting (when appropriate)	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authorities	Where no representations received from the Commission or responsible authorities
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	



## **Maidstone Borough Council**

### **'Gambling Act 2005 Statement of Licensing Principles' 2016 -2019**

This Statement of Principles was prepared under Section 349 of the Gambling Act 2005 with regard to Guidance issued by the Gambling Commission. Please note that this Statement is to be regarded as an interim Statement required to meet the Council's statutory obligations. The Council is aware that the Gambling Commission has recently published revised guidance during the consultation period for this document and when this has been considered the Council will undertake a full review of this Statement to ensure that it complies with any revised guidance issued.

**V.01**

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## 1. The Licensing Objectives

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

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

This Licensing Authority is aware that, as per Section 153, in exercising its functions under Part 8 of the Act 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 Principles

**Maidstone Borough Council is a member of the Licensing Partnership which includes Sevenoaks District Council and Tunbridge Wells Borough Council. However this policy relates to Maidstone**

## 2. Introduction

Maidstone Borough Council is situated in the County of Kent and generally speaking lies between the North Downs and the Weald. The County of Kent contains 12 Borough and District Councils and 1 Unitary Authority in total. Each Council is represented on the Kent & Medway Regulatory Licensing Steering Group (K&MRLStGp) whose role includes the identification of issues on which a consistent countywide approach is considered essential and the formulation of recommended policy that establishes a minimum standard on these identified issues.

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

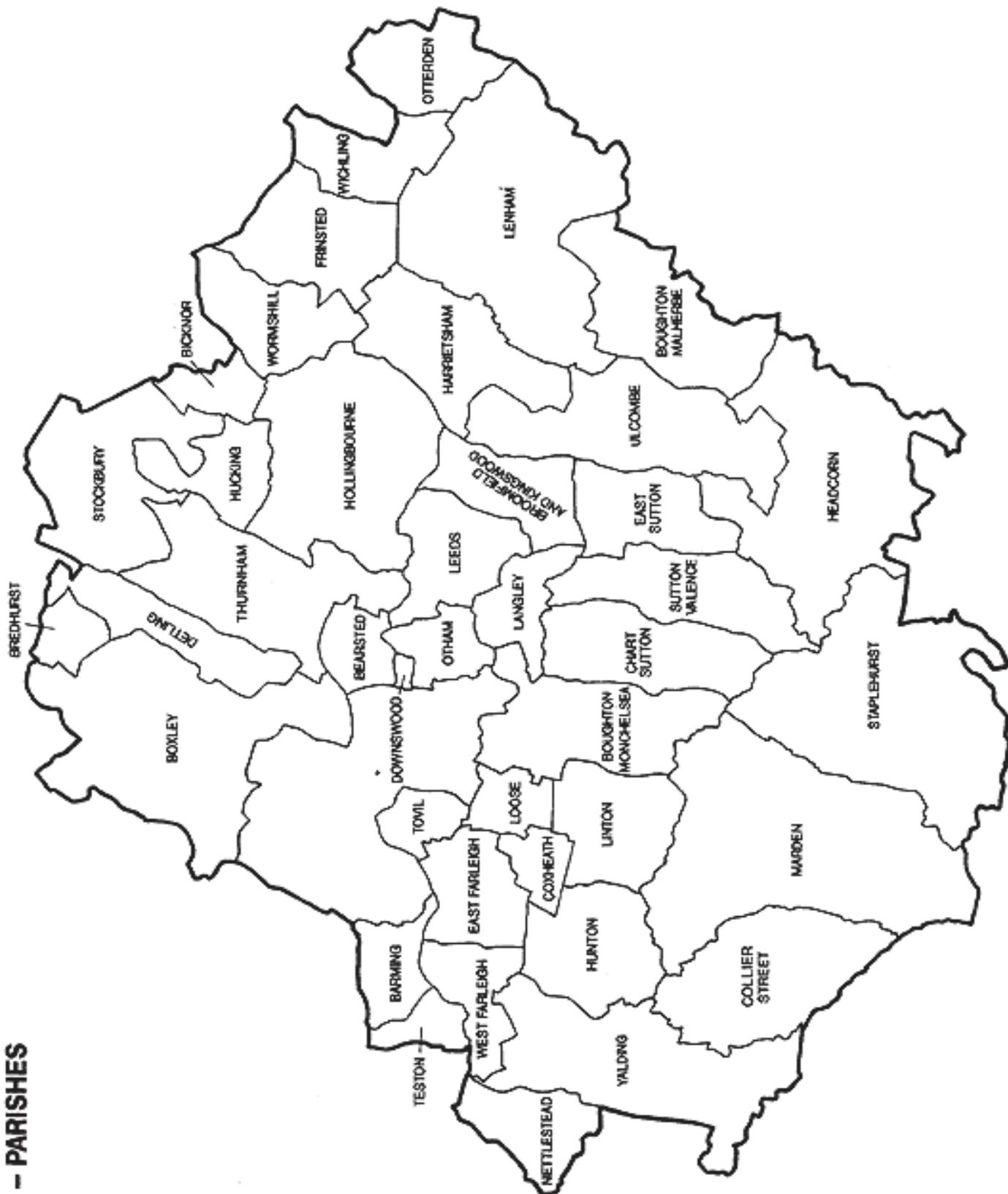
The Council area has a population of 159,300 people (\*2013 Mid-Year ward estimates ex ONS (via KCC) making it the largest in the County in terms of population. In terms of area it is the largest, covering 97,194 acres. The Council area is mainly rural surrounding the urban area of Maidstone. The Council is partly parished and the parish boundaries are shown on the map below.

Latest population data* is as follows:
Urban Population 119, 450
Rural Population 39, 850

<b>Age Range</b>	<b>Number * based on mid-year 2013 estimates</b>	<b>%</b>
Under 16	30,650	19.3
16 - 19	7,350	4.6
20 - 29	18,550	11.6
30 - 59	64,290	40.4
60 - 74	25,390	15.9
75 and over	13,070	8.2

# The Maidstone Borough Council Area

## MAIDSTONE BOROUGH COUNCIL - PARISHES



Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles that they proposed 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 and will give appropriate weight to the views of those who respond to its consultation.

Maidstone Borough Council consulted widely on this Policy Statement before finalising and publishing. A list of the persons we consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

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

The list of persons consulted when preparing this Policy Statement is deliberately wide. The List of persons this Authority consulted is attached at Appendix 3.

Our consultation took place between 1 August 2012 and 24 October 2012

In determining its Statement of Principles 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 particular representations, the factors to be taken into account included:

- who is making the representations (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 representations relate to matters that the Licensing Authority should be including in its Statement of Principles.

The full list of comments made and the consideration by the Council of those comments is available by request to John Littlemore – Head of Housing and Community Services at: Licensing Department, Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ.

- Email: [johnlittlemore@maidstone.gov.uk](mailto:johnlittlemore@maidstone.gov.uk)
- Tel: 01622 602207
- Council's website at: [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

The policy was approved at a meeting of the Full Council on **9 December 2015** and was published via our website on 10 December 2015. Copies have been placed in the public libraries of the area as well as being available in the principal Council Offices.

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

Name: John Littlemore  
Head of Housing and Community Services  
Address: Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone Kent ME15 6JQ  
E-mail: [johnlittlemore@maidstone.gov.uk](mailto:johnlittlemore@maidstone.gov.uk)

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

### **3. Declaration**

In producing the final Statement of Licensing Principles, 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.

### **4. Casinos**

#### **Proposal for a Casino**

This Licensing Authority submitted a proposal for a Premises Licence for a small casino, to the Independent Casinos Advisory Panel. Details regarding this proposal are available via request to Paul Spooner, Interim Director of Planning and Development, on 01622 602364. The submission was not shortlisted for further consideration by the Panel.

#### **No Casinos resolution**

This Licensing Authority has NOT passed a 'No Casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution. Any such decision will be made by the Full Council.

#### **Casinos and Competitive Bidding**

This Licensing Authority is aware that where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the Local Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations/codes of practice issued under the Gambling Act 2005.

## Licence Considerations/Conditions

This Licensing Authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

## Betting Machines

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## 5. The licensable activities

Some matters in the Act are determined by the Gambling Commission and some by Maidstone Council as Licensing Authority. The table below sets out those matters determined by the Council. The Gambling Commission functions are set out on page 31.

Function	Who deals with it
Issuing of <i>Premises Licences</i> . where gambling activities are to take place.	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) for the use of two or fewer gaming machines.	Licensing Authority
Issue <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 there are more than two machines.	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 8. on Exchange of Information).	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions.	Licensing Authority

Please Note:

The Gambling Commission functions are listed on page 33.

The Licensing Authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via Operating Licences.

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

## 6. 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; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

In accordance with the Gambling Commission's draft Guidance for Local Authorities this Authority designates the following for this purpose:

Children, Families and Education  
Strategy, Policy and Performance  
Sessions House  
County Hall  
Maidstone  
Kent ME14 1XQ

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 4.

## 7. 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 follows:

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

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b)”

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 as per the Gambling Commission’s Guidance to Local Authorities (paragraphs 8.11 to 8.18):

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults;
- the ‘catchment’ area of the premises (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 Para 5.28 September 2012 4<sup>th</sup> Edition Guidance).

The Gambling Commission has recommended that the Licensing Authority state that interested parties include trade associations and trade unions, and residents and tenants’ associations (paragraph 8.17). 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 activities being applied for.

Interested Parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be Interested Parties. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

Care should be taken when approaching Councillors that they are not part of the Licensing Committee dealing with the Licence application as this may put them in a difficult position by giving them an interest and it may even disable them from sitting on the Committee. If there are any doubts then please contact Mr John Littlemore on 01622 602207 and email [johnlittlemore@maidstone.gov.uk](mailto:johnlittlemore@maidstone.gov.uk).

## **8. Exchange of Information**

Licensing Authorities are required to include in their Policy Statement 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 Gambling Commission, and the functions under Section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened and its duties under the Freedom of Information Act 2000. The 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.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.

## **9. Enforcement**

The Kent & Medway Licensing Steering Group has formulated an Enforcement Protocol which each Licensing Authority and Responsible Authority has agreed.

The purpose of this Protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and

the Licensing Act 2003. It will underpin the mutual operational support required to tackle licensing issues. A copy of this can be requested from John Littlemore, Head of Housing and Community Services, 01622 602207 or by email [johnlittlemore@maidstone.gov.uk](mailto:johnlittlemore@maidstone.gov.uk).

In accordance with the Gambling Commission's Guidance for Local Authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

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.

This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and it 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.

This Licensing Authority has adopted and implemented a risk based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36; and
- The principles set out in this statement of licensing Principles .

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 its authorises.

The Gambling Commission will be the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments as regards work of the BIS Department for Business Innovation and Skills in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department, John Littlemore, Head of Housing and Community Services [johnlittlemore@maidstone.gov.uk](mailto:johnlittlemore@maidstone.gov.uk) or [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk) our risk methodology is also available on request.

## APPENDIX 1

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

*"The Licensing Authority should set out in its statement what factors it may take into account when considering applications for premises licences, permits and other permission and matters that it will consider when determining whether to review a licence. This is where considerations such as the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children, should be detailed (where they are relevant). Any such policy must, however, come with the qualification that each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, that will have to be taken into account."* (6.37)

### 1. PERMITS

#### (i) **Unlicensed Family Entertainment Centre Gaming Machine Permits**

##### **(Statement of Principles on Permits - Schedule 10 Paragraph 7)**

Where a premise 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).

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

The Gambling Commission's Guidance for Local Authorities states:

*"In its Licensing Authority Statement of Principles, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues."*(24.6)

The Guidance also states:

*"The licensing authority can grant or refuse an application for a permit, but cannot add conditions. 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. Unlicensed FECs, by definition, will not be subject to*

*scrutiny by the Commission as no operating (or other) licences will be applied for and issued. Licensing authorities might wish to consider asking applicants to demonstrate:*

- *a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs*
- *that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)*
- *that employees are trained to have a full understanding of the maximum stakes and prizes.”(24.7)*

### **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, or children causing perceived problems on/around the premises. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

With regard to **renewals** of these permits, the licensing authority may only refuse to renew a permit on the grounds that:

- an authorised local authority officer has been refused access to the premises without reasonable excuse
- renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit. (24.17)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

### **(ii) (Alcohol) Licensed Premises 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 applicant merely needs to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 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 must 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 harm 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.

Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also 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 is recognised that some alcohol licensed premises may require a Premises Licence for their non-alcohol licensed areas.

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

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 issued by the Gambling Commission about the location and operation of the machine.

**(iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**

The Gambling Act 2005 states that a Licensing Authority may:

“Prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which

“May, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a **Statement of Principles** which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 that the permit holder must comply with, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

#### **(iv) Club Gaming and Club Machines Permits**

Members Clubs and Miners’ Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide up to three gaming machines in total of categories B4, C or D but only one machine of category B3A, 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 gaming machines in total of categories B4, C or D but only one machine of category B3A,.

Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit.

Gambling Commission 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 permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations. They may apply for club gaming or club machine permits."*

This Licensing Authority is aware that:

"Licensing Authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a Members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the Police"(25.40)

When considering whether the applicant fulfils the requirements for a members' or commercial club or miners' welfare institute it will take account of the factors listed in section 25 of the Commission's Guidance

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 Schedule 12 paragraph 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 that:*

- (a) *the Club is established primarily for gaming, other than gaming prescribed under section 266 of the Act*
- (b) *in addition to the prescribed gaming, the applicant provides facilities for other gaming; or*
- (c) *a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled.” (25.45)*

When considering whether the club is established primarily for gaming the Licensing Authority will take account of the factors listed in section 25 of the Commission’s Guidance

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

## 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 which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This 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 Principles .

Any conditions attached to Licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This 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 non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

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

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

This 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, this 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 including "split premises"**

"Premises" is defined in the Act as "any place" Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities are advised to pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that:

*"In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."* (7.14)

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice, that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and 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. (7.18)

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?

- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below from paragraph 7.25 of the Guidance.

### **(iii) Location**

This 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, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does 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) Primary Activity**

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities. The Licensing Authority will take account of the Commission's document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

### **(v) Planning**

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

This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.

It will, though, listen to, and consider carefully, any concerns about conditions which are not able to be met by Licensees due to planning restrictions should such a situation arise.

**(vi) Duplication**

As stated in Section 9. on Enforcement, as per the Gambling Commission's Guidance for Local Authorities, this Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

**(vii) Door Supervisors**

The Gambling Commission advises in its Guidance for Local Authorities that Licensing Authorities may consider whether there is a need for Door Supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Door Supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). This Licensing Authority therefore has specific requirements for Door Supervisors working at casinos or bingo premises which are that they provide a CRB check with no relevant current convictions. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

For premises other than casinos and bingo premises, operators and Licensing Authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA Licensed or not. It will not be automatically assumed that they need to be.

**(viii) Licensing Objectives**

This Licensing Authority has considered the Gambling Commission's Guidance to Local Authorities and some comments are provided with regard to the licensing objectives.

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

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of Door Supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether Police assistance was required and how threatening the behaviour was to those who witnessed it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

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

This Licensing Authority has noted that the Gambling Commission in its Guidance for Local Authorities has noted that:

*“Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.”*

This Licensing Authority also notes, however, that the Gambling Commission also states:

*“In relating to the licensing tracks the Licensing Authorities’ role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.”*

This Licensing Authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.

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

This Licensing Authority has noted the Gambling Commission's Guidance for Local Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this Licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas etc.

This Licensing Authority will also take into account the Codes of Practice which the Gambling Commission issues as regards this Licensing objective, in relation to specific premises such as casinos.

As regards the term “*vulnerable persons*” it is noted that the Gambling Commission is not seeking to offer a definition but states that:

*“It will be for regulatory purposes to assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”*

This Licensing Authority will consider the objective on a case-by-case basis. Should a practical definition prove possible in future then this Policy Statement will be updated with it, by way of a revision.

## **(ix) 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 Principles .

As well as consideration as to whether the request is frivolous, vexatious, or will certainly not cause this 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.

Review will be determined by the Licensing Committee.

## **(x) Provisional Statements**

Section 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

This Licensing Authority notes the Guidance for the Gambling Commission which states 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"; and that*

*"Requiring the building to be complete ensures that the Authority can inspect it fully".*

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 reflects a change in the operator's circumstances.
- (c) Where the premises has not been constructed (11.9 Guidance)

This Licensing Authority has noted the Gambling Commission's Guidance that:

*"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 way of representations 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."*(11.7, 11.8 & 11.9)

#### **(xi) Adult Gaming Centres**

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however 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.

The question of sub-division of such premises has been the subject of further Gambling Commission Guidance. This Licensing Authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to such applications any decision-making.

This Authority accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect to such applications.

## **(xii) (Licensed) Family Entertainment Centres**

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

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however 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.

This 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 as published in the 3<sup>rd</sup> Edition Guidance May 2009.

## **(xiii) Tracks**

This Licensing Authority is aware that tracks may be subject to more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing Authority will therefore expect the Premises Licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however 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-baring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

### ***Gaming machines***

Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority notes the Commission's Guidance that Licensing Authorities therefore need to consider the location of gaming machines at tracks, and applications for track Premises Licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

### ***Betting machines***

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. (16.34)

It will also take note of the Gambling Commission's suggestion that Licensing Authorities will want to consider restricting the number and

location of such machines in respect of applications for track betting premises licences.

### ***Condition on rules being displayed***

The Gambling Commission has advised in its Guidance for Local Authorities that "... *Licensing Authorities should attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.*"

### ***Applications and plans***

This Licensing Authority awaits regulations setting out any specific requirements for applications for Premises Licences but is in accordance with the Gambling Commission's suggestion:

*"To ensure that Licensing Authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities; and that*

*Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence."*

This Licensing Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate Premises Licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **(xiv) Bingo**

The Gambling Commission's Guidance states:

*"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas."*

This Licensing Authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming

machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

In these cases this Licensing Authority will have particular regard to the Gambling Commission Guidance on the 'meaning of premises' (7.12 – 7.20) and how it relates to the primary gambling activity.

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

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

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

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

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

#### **(xvi) Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, e.g. backgammon, mah-jongg ,rummy kalooki, dominoes, cribbage, bingo and poker.

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

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

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

#### **(xvii) Occasional Use Notices**

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

#### **(xviii) Travelling Fairs**

The Act defined a travelling fair as "wholly or principally" providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.

It will fall to this 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

our boundaries is monitored so that the statutory limits are not exceeded.

**(ixx) Betting Premises  
Betting Machines**

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature /circumstances of betting machines an operator wants to offer.

The Licensing Authority recognises that the design and layout of betting premises (or any other premises including tracks) will vary so will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff properly monitor the use of these machines by children and young persons.

This Licensing Authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

Factors to be taken into consideration will include the following:

- \_ CCTV
- \_ Re-location of the machines
- \_ Door buzzers
- \_ Remote cut off switches
- \_ Training provision
- \_ Any other factor considered relevant

## 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 Tribunal

**LIST OF PERSONS CONSULTED**

**All Maidstone Borough Councillors**

**All Parish Councillors**

**All premises currently licensed to sell or supply alcohol**

**All premises currently licensed for regulated entertainment**

**All premises currently licensed for late night refreshments**

**Any other prescribed in regulations by Secretary of State**

**Town Centre Management**

**Environment Agency**

**British Waterways Board**

**GamCare**

2 & 3 Baden Place

Crosby Row

London SE1 1YW

Tel: 020 7378 5200

Website: [www.gamcare.org.uk](http://www.gamcare.org.uk)

**The Bingo Association**

Lexham House

75 High Street (North)

Dunstable

Bedfordshire LU6 1JF

Tel: 01582 860921

Website: [www.bingo\\_association.co.uk](http://www.bingo_association.co.uk)

**British Casino Association**

38 Grosvenor Gardens

London SW1W 0EB

Tel: 020 7730 1055

Website: [www.britishcasinoassociation.org.uk](http://www.britishcasinoassociation.org.uk)

**This list is not finite and other persons or organisations may be added.**

**RESPONSIBLE AUTHORITIES CONTACT DETAILS****Licensing Authority**

Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent ME15 6JQ

**Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham B2 4BP

**Chief Officer of Police for the area in which the premises is wholly or partially situated.**

Maidstone Police Station  
Palace Avenue  
Maidstone  
Kent ME15 6NF

**Kent Fire & Rescue Service**

The Godlands  
Tovil  
Maidstone  
Kent  
ME15 6XB

**Local Planning Authority**

Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent ME15 6JQ

**Environmental protection/Health & Safety**

Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent ME15 6JQ

**Kent Social Services**

Children, Families and Education  
Strategy, Policy and Performance  
Sessions House  
County Hall  
Maidstone  
Kent  
ME14 1XQ

**HM Revenue and Customs**

National Registration Unit

Portcullis House

21 Indian Street

Glasgow

G2 4PZ

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

<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	X		
Policy not to permit casinos	X		
Fee Setting (when appropriate)	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authorities	Where no representations received from the Commission or responsible authorities
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	