



# **Sevenoaks District Council**

**Gambling Act 2005 Statement of Licensing Principles  
Gambling Policy 31 January 2022 – 30 January 2025**

## CONTENTS

1. The licensing objectives – Page 3
2. Introduction – Page 4
3. Declaration – Page 5
4. Casinos – Page 5
5. Functions – Page 5
6. Operators – Page 6
7. Risk Assessments – Page 7
8. Responsible Authorities – Page 7
9. Interested parties – Page 8
10. Exchange of information – Page 9
11. Enforcement – Page 9
12. Gambling prevalence and problem gambling – Page 11

The appendices that follow form part of this Policy Statement

### Appendix 1. Permits – Page 13

- (i) Unlicensed family entertainment centre gaming machine permits
- (ii) (Alcohol) licensed premises gaming machine permits
- (iii) Prize gaming permits
- (iv) Club gaming and club machine permits

### Appendix 2. Premises Licences – Page 18

- (i) Decision making – general
- (ii) "Premises"
- (iii) Location
- (iv) Planning
- (v) Duplication
- (vi) Door supervisors
- (vii) Split premises
- (viii) Access to premises
- (ix) Licensing objectives
- (x) Reviews
- (xi) Provisional statements
- (xii) Adult gaming centres
- (xiii) (Licensed) family entertainment centres
- (xiv) Tracks
- (xv) Casinos
- (xvi) Bingo
- (xvii) Temporary Use Notices
- (xviii) Occasional Use Notices
- (xix) Small Society Lotteries
- (xx) Travelling fairs
- (xxi) Betting Premises

Help with gambling related problems

### Appendix 3. Responsible Authorities – Page 30

**Appendix 4.** List detailing who this authority has consulted – Page 32

**Appendix 5.** Summary of Gaming Machines by premises – Page 33

**Appendix 6.** Summary of licensing authority delegations permitted under the Gambling Act 2005 – Page 34

## 1. The Licensing Objectives

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

Sevenoaks District Council as the Licensing authority for the Sevenoaks District will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

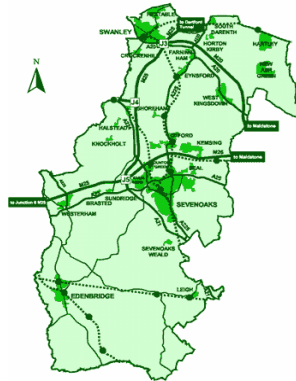
### Principles to be applied - Section 153

(1) In exercising its functions a licensing authority will only permit the use of premises for gambling:

- a) in accordance with any relevant code of practice under section 24;
- b) in accordance with any relevant guidance issued by the Commission under section 25;
- c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b));
- d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

(2) In determining whether to grant a Premises licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.

(3) Any objection to an application for a Premises licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective of prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.



## 2. Introduction

Sevenoaks District Council is situated in the County of Kent. Kent contains 12 Borough and District Councils with 1 Unitary Authority.

The Sevenoaks District Council area covers 142 square miles and has an estimated population of 110,000. The area is mainly rural with 4 main towns comprising Sevenoaks, Swanley, Edenbridge and Westerham. The Sevenoaks District Council Area

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy statement setting out the principles that they propose to apply when exercising their functions. This statement may be reviewed from time to time but must be republished at least every three years.

In determining its policy the Licensing authority must have regard to Gambling Commission guidance and give appropriate weight to the views of those who respond to its consultation.

The Authority will consult widely on the Gambling Policy statement before being finalised and published.

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

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

The persons consulted when preparing this Policy statement was deliberately wide. A list of those persons consulted is attached at appendix 4.

The consultation for the policy took place between 9<sup>th</sup> September 2021 and 20<sup>th</sup> October 2021. The Authority has followed the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The full list of comments made and the consideration by the Authority of those will be available upon request to: The Licensing Team via [email](#) or by telephone 01732 227004.

The policy is published on [Sevenoaks District Council's website](#).

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 licensing policy statement, this Licensing authority declares that it will have 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.

Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers, and should not be interpreted as legal advice or as part of the Council's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, the Guidance, or regulations issued under the Act.

### 4. Casinos

**Proposal for a casino** - This Licensing authority did submit a proposal to the Independent Casinos Advisory Panel within the Sevenoaks District Council area. However, it was not successful.

**No Casinos resolution** – This Licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, and is aware that it has the power to do so. Should this Licensing authority decide to pass such a resolution, it will update this policy statement with details of that resolution.

### 5. Functions

**The following functions are dealt with by the Licensing Authority –**

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines

- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section 8 on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

**The following functions are dealt with by the Gambling Commission –**

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

**The following functions are dealt with by the Gambling Appeals Tribunal –**

- Deal with appeals against Commission decision

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. Operators

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

An ~~operator-Operating~~ licence ~~gives a general authorisation for permits~~ a ~~business-gambling operator~~ to provide gambling facilities, but ~~a business wishing if the operator wishes~~ to provide non-remote gambling facilities ~~(betting, arcades, bingo or casinos) in a~~ ~~Licensing at premises in a local~~ authority area, ~~they must~~ ~~is required to apply for obtain~~ a premises licence ~~that is specific to the for each particular~~ premises ~~at which those facilities will be provided.~~

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

~~The Licence Conditions and Codes of Practice (LCCP) were updated in April 2018, and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them.~~

~~Licensees are required to take into account the Licensing authority's statement of principles in developing their risk assessments.~~

**Commented [JB1]:** The LCCP has been updated several times since 2018 and is updated regularly. Operators are aware of these requirements, and we would suggest this paragraph is removed.



## 7. Risk Assessments

Gambling operators are required to undertake a risk assessment for all their existing premises from 6<sup>th</sup> April 2016. In undertaking their risk assessments, they must take into account relevant matters identified in the Licensing authority's Statement of Policy. The Licensing authority expects applicants for Premises licences in its area to submit a risk assessment with their application when applying for a new or variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.

The risk assessment should demonstrate the applicant has considered, as a minimum:

- a. local crime statistics;
- b. any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;
- c. the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- d. whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- e. the type of gambling product or facility offered;
- f. the layout of the premises;
- g. the external presentation of the premises;
- h. the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- i. the customer profile of the premises;
- j. staffing levels;
- k. staff training, knowledge and experience;
- l. whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

The licensing authority expects a copy of the risk assessment to be held at each premises so that it can be inspected by officials and staff alike.

## 8. 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 Guidance for local authorities this authority designates the following for this purpose:

Children's and Families - KCC Social Service

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3.

## 9. Interested parties

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.

Section 158 of the Gambling Act 2005 says a person is an interested party if he/she;

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

An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the following (Gambling Commission's Guidance to local authorities (paragraphs 6.33 and 6.34))

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

Gambling Commission's Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.34). All objections must be based on the licensing objectives.

The Gambling Commission has recommended that the licensing authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations (paragraph 8.16). However, this Authority will not generally view these bodies as interested parties unless they have a member who can be classed as such under the terms of the Gambling Act 2005. (i.e. lives sufficiently close to the premises and is likely to be affected by the application.)

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties. Apart from these exceptions this Authority will require written evidence that a person/body/advocate/relative) represents someone likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter of authorisation from one of these persons, requesting the

representative to speak on their behalf will be sufficient.

Councillors who are on the Licensing Committee dealing with the licence application will not be able to make representations. If there are any doubts then please contact The Licensing Team via [email](#) or by telephone 01732 227004.

## 10. Exchange of Information

Licensing Authorities are required to include in their Gambling 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 will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information and the provision that the Data Protection Act 1998 (DPA) or the General Data Protection Regulations (GDPR) will not be contravened. The Licensing authority will have regard to any Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to General Data Protection Regulations (GDPR), which will be considered when deciding what information to share and the process for doing so. The Council is also a signatory to the Kent & Medway Information Sharing Agreement, which allows the sharing of information between Agencies for the purpose of the preventions and detection of crime and for public protection.

Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or a Subject Access Request.

## 11. Enforcement

This Licensing authority will act in accordance with the relevant legislation and guidance from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Compliance Code.

The purpose of this Licensing authority's enforcement 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. A copy can be requested from Sharon Bamborough, Head of the Licensing Partnership via [email](#) or by telephone 01732 227004.

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 is possible.

This Licensing authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

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 adopt the guidance for local authorities and it will endeavour to be:

a. Proportionate:

regulators should only intervene when necessary;  
remedies should be appropriate to the risk posed, and  
costs identified and minimised.

b. Accountable:

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

c. Consistent:

rules and standards must be joined up and  
implemented fairly;

d. Transparent:

regulators should be open, and keep regulations simple and user friendly;  
and

e. Targeted:

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

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district.

The Licensing authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.

The Licensing authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises licence. To achieve this, the Licensing authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections

will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement 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 it authorises.

The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Concerns relating to manufacture, supply or repair of gaming machines, or concerns relating to on-line or remote gambling is part of the Commissions role.

## 11. Gambling Prevalence and Problem Gambling

Participation in gambling and rates of problem gambling published in April 2018 on the Gambling Commission website by NHS Digital showed that:

- f. 56% of people in England gambled in 2016
- g. 42% of people in England (excluding those who had only played National Lottery draws) gambled in 2016
- h. 0.7% of people in England identified as problem gamblers
- i. 1.2% of gamblers in England identified as problem gamblers
- j. 3.6% of people in England were at low or moderate risk of developing problems with their gambling
- k. 6.6% of gamblers in England are at low or moderate risk of developing problems with their gambling

Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling losses. However, the effects of problem gambling can cost more than money.

Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities.

There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes.

Problem gambling can be progressive in nature and problem gamblers can end up engaging

**Commented [JB2]:** This has been updated and again is updated regularly. The latest figures are at [Statistics on participation and problem gambling for the year to June 2021 - Gambling Commission](#) and you may wish to refer people to the Commission's website. If you want to view the latest figures, they are in the spreadsheet on this web page from Tab 5 onwards.

in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

~~<http://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Levels-of-problem-gambling-in-England.aspx>~~

There are around 280,000 problem gamblers in England alone, according to a 2018 study by NHS Digital, although a YouGov survey earlier this year found there could be 1.4 million across the UK. (29 Oct 2020)

When respondents who had only taken part in National Lottery draws were excluded, the overall participation rate was down from 32% in 2019 to 28% in 2020. In other activities, there were decreases in participation in in-person football pools, bingo, betting on horse races, betting on other events and casino games. (25 Feb 2021)

Commented [JB3]: Inactive link

## Appendix 1

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

### 1. Permits

#### ⓪ **Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

Where a premises does not hold a premises licence but wishes to provide gaming machines it may apply to the licensing authority for this permit.

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

Sevenoaks District Council has considered and intends to require applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 18(4)).

For initial applications, the licensing authority need not (but may) have regard to the licensing objectives but shall need to have regard to any Gambling Commission guidance.

The Gambling Commission’s Guidance for local authorities states: “In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities may want to give weight to child protection issues.

The Gambling Commission’s Guidance also states: “An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

Statement of Principles: This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

**Commented [JB4]:** How? Will you ask for a DBS check? If so, perhaps mention this here.

**Commented [JB5]:** Why not?

An uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine

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

#### **(i) (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 2 gaming machines of categories C and/or D. The premises merely need 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 2005 (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 2005 has been committed on the premises.

If a premises wishes to have more than 2 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 being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

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

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

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

**Commented [JB6]:** What about the number of machines and whether there would be so many that the premises were, in your opinion, primarily being used for gambling, e.g. a small pub applies to have 15 gaming machines?



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

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, Sevenoaks District Council will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. These will also apply to UFEC permits.

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

The 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.

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

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.

**Commented [JB7]:** This should probably be put in the section on uFEC Permits as well, because applicants will likely not read this section if they are only applying for a UFEC Permit.

#### **(M) 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 Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

The Gambling Commission's 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, they must be permanent in nature, not established to make a commercial profit and must be controlled by their members equally 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 a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.5)

The Licensing authority is aware that it 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 Gambling Commission or the police.

The Licensing authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48 hour rule being applied for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?

- Is there a list of Committee members and evidence of their election by the club members?

When examining the club's constitution, the Licensing authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club).
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits

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:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

**Appendix 2****2. Premises licences****(i) Decision making - general:**

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. 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 by the Licensing authority will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- 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 licence applicant to offer his/her own suggestions as to the 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 a non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance and licence conditions and codes of practice .

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 less than 18 years of age.

These conditions will apply to premises including buildings where multiple premises licences are applicable. This does not apply to AGC or betting premises.

The licensing authority is aware that tracks may be subject to one or more than one premises licence provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, 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":**

Premises is defined in the Act as "any place". It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities' states, it "will always be a question of fact in the circumstances". The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

Sevenoaks District Council will have regard to the Gambling Commission's guidance on the division of premises and access between premises.

This licensing authority takes particular note of the Guidance for local authorities which states that in considering applications for multiple licences for a building (split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that they are not permitted to be in close proximity to gambling. Therefore premises

should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and

- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

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

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

As the Court has held in a 2008 case<sup>19</sup>, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

### **(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.

**(iv) Planning:**

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

**(v) Duplication:**

As stated in section nine 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.

**(vi) Door Supervisors:**

The Gambling Commission's Guidance advises local authorities that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

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

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

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

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

**(vii) Split Premises**

The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and 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 reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

In considering whether different areas of a building are genuinely separate premises the Licensing authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

When considering proposals to divide a building into separate premises, the Licensing authority will also need to be satisfied that the form of separation between the premises is appropriate.

The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.

It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

The Guidance at paragraph 7.22 states "There is no definition of 'direct access' in the Act or Regulations, but Licensing Authorities may consider that there should be an area



separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”

It is the Licensing authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

The Licensing authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non- gambling facilities, for example refreshments or cashpoint machines.

Where the Licensing authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
- entrances and exits from parts of a building covered by one or more Premises licences are separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should 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.

This is not an exhaustive list and the Licensing authority will consider other aspects based on the merits of the application.

#### **(viii) Access to Premises**

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

‘Direct access’ is not defined, but the Licensing authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

## Types of Premises and their access provisions

## Casino

- The principal access to the premises must be from a 'street';
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.

## Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises;

## Betting Shop

- Access must be from a 'street' or from other premises with a betting licence;
- No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.

## Track

- No customer must be able to access the premises directly from a casino or Adult Gaming Centre

## Bingo Premises

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

## Family Entertainment Centre

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

**(ix) Licensing objectives:**

This licensing authority has considered the Gambling Commission's Guidance to local authorities in respect of the licensing objectives.

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

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

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

**(x) Reviews:**

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

- it is in accordance with any relevant code of practice issued by the Gambling Commission;
- it is in accordance with any relevant guidance issued by the Gambling Commission;

- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause 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.

**(xi) Provisional Statements:**

This licensing authority notes the Gambling Commission's 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 is in the authority's opinion reflect a change in the operator's circumstances.

**(xii) Adult Gaming Centres (AGC):**

This licensing authority particularly notes the Gambling Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The licensing authority in considering premises licences for AGC's 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 are not attracted to, or gain access to, the premises.

The 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-exclusion 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.

**(xiii) (Licensed) Family Entertainment Centres (FECs):**

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

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, when they have been published.

Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Since gaming machines provide opportunities for solitary play and for immediate pay outs, they are more likely to engender repetitive and excessive play. The licensing authority, in considering applications for FEC Premises licences, 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.

The 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-exclusion 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.

**(xiv) Tracks:**

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards **tracks**. We shall have regard to this Guidance in the discharge of our functions.

**(xv) Casinos:**

This licensing authority will have regard to the Gambling Commission's guidance.

**(xvi) Bingo:**

This licensing authority will have regard to the Gambling Commission's guidance.

The licensing authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo is regularly played in any premises for which a Premises licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

**(xvii) Temporary Use Notices:**

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

**(xviii) Occasional Use Notices:**

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

**(xix) Small Society Lotteries**

The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the

**Commented [JB8]:** This is something that is only dealt with by local authorities, and therefore we recommend you set out a procedure here for how you will approach this type of application. For example, would applicants have to provide a plan of the proposed track? Would you require them to demonstrate how they will supervise the track? Will you require them to demonstrate how they will ensure underage persons are not able to gamble? You may wish to look at policies from other Councils and see if they have covered tracks and what they ask for, or read our guidance at [Part 20: Tracks - Gambling Commission](#)

**Commented [JB9]:** How will you deal with representations? This should be set out in your SOP. Which Committee would hear them, what time limit will you allow, and who can make them? You should also set out in this section how the public can view lottery returns and where.

risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event as either an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- By, or on behalf of, a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact us via email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) to seek further clarification.

#### **(xx) Travelling Fairs:**

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

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

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.

#### **(xxi) Betting Premises**

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.

In determining applications for betting premises, the licensing authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers

- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

This list is not exhaustive, and is merely indicative of example measures the Licensing authority will expect applicants to offer to meet the licensing objectives.

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.

Section 181 of the Gambling Act 2005 permits the Licensing authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a premises licence for a betting office. When considering whether to do so, the licensing authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The licensing authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will 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.

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

#### **Help with gambling related problems:**

A list of organisations where people may seek help will be available on the licensing website.

Appendix 3

**Responsible Authorities:**

**Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:**

**Licensing Team**

Sevenoaks District Council

Council Offices

PO Box 182

Argyle Road

Sevenoaks

Kent TN13 1GP

Tel: 01732 227004

[Sevenoaks District Council email](#)

[Sevenoaks District Council website](#)

**Information can also be obtained from:**

**Gambling Commission**

Victoria Square House

Victoria Square

Birmingham B2 4BP

Tel: 0121 230 6666

[Gambling Commission email](#)

[Gambling Commission website](#)

**Local Planning Authority**

Sevenoaks District Council

Council Offices

Argyle Road

Sevenoaks

Kent TN13 1GP

Tel: 01732 227000

**Environmental Protection**

Sevenoaks District Council

Council Offices

Argyle Road

Sevenoaks

Kent TN13 1GP

Tel: 01732 227000

[Environmental Health email](#)



**Police Licensing and Drugs Officer**

Licensing Coordinator  
Community Safety Unit  
Tonbridge and Malling Borough Council  
Gibson Drive  
Kings Hill  
West Malling. ME19 4LZ  
[Police Licensing Coordinator email](#)

**Health and Safety**

Sevenoaks District Council  
Council Offices  
Argyle Road  
Sevenoaks  
Kent TN13 1GP  
Tel: 01732 227000

**Fire Safety –**

District Manager  
Kent Fire & Rescue Service  
West Kent Fire Safety Office  
424 Vale Road  
Tonbridge  
Kent TN9 1SW  
Tel: 01732 369429

**Kent Child Protection Committee**

Children's and Families KCC Social Service  
The Willows  
Hilda May Avenue  
Swanley  
Kent BR8 7BT  
[Kent Child Protection website](#)

**HM Revenue & Customs**

HM Revenue and Customs  
Excise Processing Teams  
Gambling Duties  
BX9 1GL

Tel: 0300 200 3701  
[HM Revenue & Customs email](#)  
[HM Revenue & Customs website](#)

**Appendix 4**

**List detailing who this authority consulted with:**

**List of Consultees**

- Sevenoaks District Council website
- District Councillors
- Councillor's Members Room
- Parish and Town Councils
- Licensees/their agents of gambling premises
- Neighbouring Authorities

**List of Consultees**

- Sevenoaks District Council website
- District Councillors
- Councillor's Member Room
- Parish and Town Councils
- Licensees/their Agents of gambling premises
- Neighbouring Authorities
- Bodies designated under section 157 of the Act as 'Responsible Authorities'
- Town Centre Forums, Partnerships and Managers
- Person/ bodies representative of local residents
- Person/ bodies representative of gambling businesses
- Representatives of persons or business who hold premises licences
- Organisations working with people who are problem gamblers
- Representatives of health care organisations
- Representatives of voluntary and community organisations working with children and young people

This list is not definitive. Residents associations will be sent copies on request.

## Appendix 5

## Summary of machine provisions by premises

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)							
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)							
<b>Pre-2005 Act casino</b> (no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead							
<b>Betting premises and tracks occupied by pool betting</b>	Maximum of 4 machines categories B2 to D							
<b>Bingo premises</b>	Maximum of 8 machines in category B3 or B4 No limit on category C or D machines							
<b>Adult gaming centre</b>	Maximum of 4 machines in category B3 or B4 No limit on category C or D machines							
<b>Family entertainment centre</b> (with premises licence)	No limit on category C or D machines							
<b>Family entertainment centre</b> (with permit)	No limit on category D machines							
<b>Clubs or miners' welfare institute</b> (with permits)	Maximum of 3 machines in categories B3A or B4 to D*							
<b>Qualifying alcohol-licensed premises</b>	1 or 2 machines of category C or D automatic upon notification							
<b>Qualifying alcohol-licensed premises</b> (with gaming machine permit)	Number of category C D machines as specified on permit							
<b>Travelling fair</b>	No limit on category D machines							
	A	B1	B2	B3	B3A	B4	C	D

It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

## Appendix 6

**Summary of licensing authority delegations permitted under the Gambling Act 2005**

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