

# Public Document Pack



<b>COMMITTEE:</b>	<b>BABERGH LICENSING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>FRIDAY, 14 DECEMBER 2018 9.30 AM</b>
<b>VENUE:</b>	<b>ROSE ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH</b>

<b>Members</b>		
<u>Conservative</u> Sue Ayres Tom Burrows Siân Dawson Nick Ridley (Chair) Ray Smith (Vice-Chair) Fenella Swan	<u>Independent</u> Richard Kemp John Nunn  <u>Liberal Democrat</u> Sue Carpendale	<u>Independent Conservative</u>  <u>Labour</u>  <u>Babergh Unionist</u> Peter Burgoyne

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## AGENDA

### PART 1

#### MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

1 **SUBSTITUTES AND APOLOGIES**

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 **DECLARATION OF INTERESTS BY COUNCILLORS**

3 **BLR/18/4 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 10 AUGUST 2018** 1 - 4

4 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

**Date and Time of next meeting**

Please note that the next meeting is scheduled for Friday, 8 February 2019 at 9.30 am.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Karen Sayer on: 01473 296373 or Email: [Committees@babberghmidsuffolk.gov.uk](mailto:Committees@babberghmidsuffolk.gov.uk)

### **Introduction to Public Meetings**

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

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# Agenda Item 3

BABERGH DISTRICT COUNCIL

BABERGH LICENSING AND  
REGULATORY COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH LICENSING AND REGULATORY  
COMMITTEE HELD IN BRITTEN ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD,  
IPSWICH ON FRIDAY, 10 AUGUST 2018

PRESENT: Ray Smith – Vice Chairman in the Chair

Sue Ayres	Tom Burrows
Sue Carpendale	Alan Ferguson
Richard Kemp	Fenella Swan

The following Members were unable to be present:

Peter Burgoyne, John Nunn and Nick Ridley

1 DECLARATION OF INTERESTS BY COUNCILLORS

None declared.

2 BLR/18/1 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 8  
DECEMBER 2017

**It was RESOLVED**

**That the Minutes of the meeting held on 8 December 2017 be confirmed and signed as a correct record.**

3 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE  
COUNCIL'S PETITION SCHEME

None received.

4 ADDITIONAL ITEM OF BUSINESS

4.1 The Local Government (Access to Information) Act 1985 provides that an item of business may not be considered by a Committee unless it is included on an Agenda. The Act does, however, make provision for an exception to this general rule to be made where by reason of special circumstances, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

4.2 The Chairman advised that a situation had arisen where it had become necessary for the Minutes of the Regulatory Sub-Committee meeting held on 18 May 2018 to be reported to Committee for confirmation, and he was satisfied that there were good reasons for this to be dealt with as a matter of urgency. He had therefore agreed to include it on the Agenda as Items 6, 7 and 8.

4.1 Full details had been circulated to Members (prior to the commencement of the meeting) as Paper BLR/18/3. As this included a confidential Minute, it would be necessary for Members to pass the necessary resolution to exclude the public.

5 BLR/18/2 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES STATUTORY THREE-YEARLY REVISION AND SIMULTANEOUS FEE REVIEW

5.1 David Price, Licensing Officer, introduced Paper BLR/18/2 which sought Committee approval for consultation purposes of the draft Statement of Principles (Appendix A to Paper BLR/18/2). Members also had before them a Summary of Changes made to the Statement of Principles attached as Appendix B.

5.2 The Committee was asked to approve the Table of Fees attached as Appendix C.

5.3 The Licensing Officer clarified the position regarding the consultation on the draft Statement, the results of which would be reported to the Committee in due course, prior to the Committee being asked to recommend Council to adopt the finalised version of the Statement, to take effect from 31 January 2019 for a period of three years. The Committee had the power to adopt the Table of Fees.

5.4 The Licensing Officer responded to questions from Members on the draft Statement. He confirmed that the majority of the changes referred to in Appendix B were of a minor nature, to reflect changes required to comply with the Fifth Edition of the Gambling Commission's national guidance to local authorities, or to update terms and descriptions. He will re-visit the list of consultees to ensure it is comprehensive and up-to-date – in this connection it was noted that Age Concern is now Age UK.

5.5 He also confirmed that any future changes to the rules governing gaming machines would be reflected in Schedule B to the Statement of Principles, by way of an appropriate note to cover the position at the time the Statement is adopted by the Council.

5.6 In response to questions about the Table of Fees, the Licensing Officer advised that the fees charged continue to be the maxima allowed. Previously there were only five betting shops in Babergh, now increased to six, with the fee split between them, as before. Some activities such as certain types of Race Nights, raffles and bingo sessions were covered by exemptions.

**It was RESOLVED**

**(1) That the draft revision Gambling Act 2005 'Statement of Principles' document, attached as Appendix A to Paper BLR/18/2 be approved for consultation purposes. Further that the relevant officers proceed with the commencement of a period of statutory consultation in accordance with Gambling Act 2005 legislation and regulations.**

(2) That the Table of Fees attached as Appendix C to Paper BLR/18/2 for Gambling Act 2005 functions be adopted to take effect from 31 January 2019.

6 BLR/18/3 ADDITIONAL ITEM OF BUSINESS - TO CONFIRM THE MINUTES OF THE MEETING OF THE REGULATORY SUB-COMMITTEE HELD ON 18 MAY 2018

**It was RESOLVED**

**That the public Minutes of the meeting of the Regulatory Sub-Committee held on 18 May 2018 be confirmed and signed as a correct record.**

7 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

**It was RESOLVED**

**That pursuant to Part 1 of Schedule 12 A of the Local Government Act 1072, the public be excluded from the meeting for the business specified below on the grounds that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information as indicated against the item.**

**The Committee was also satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.**

8 BRSC/17/3 APPLICATION FOR THE GRANT OF A COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE (Exempt information by virtue of Paragraphs 1, 2 and 7 of Part 1)

**It was RESOLVED**

**That Confidential Minute No 6 of the meeting of the Regulatory Sub-Committee held on 18 May 2018 be confirmed and signed as a correct record.**

The business of the meeting was concluded at 9.50 a.m.

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Chairman

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# Agenda Item 5

## BABERGH DISTRICT COUNCIL

<b>COMMITTEE: Licensing and Regulatory Committee</b>	<b>REPORT NUMBER: BLR/18/5</b>
<b>OFFICER: Lee Carvell – Corporate Manager Open for Business David Price – Licensing Officer</b>	<b>DATE OF MEETING: 14 December 2018</b>

### **GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES STATUTORY THREE-YEARLY REVISION**

#### **1. PURPOSE OF REPORT**

- 1.1 To report back to the Licensing and Regulatory Committee the outcome of a full targeted and public consultation, which ran between 31 August 2018 and 12 October 2018, in respect of the above statutory policy revision relating to Gambling Act 2005 functions.
- 1.2 Since January 2007 local licensing authorities have been responsible for functions under the Gambling Act 2005, including issuing of licences and permits for gambling/gaming premises and associated matters.
- 1.3 Section 349 of the 2005 Act requires each licensing authority to prepare and publish a statement of the higher level principles it will apply when dispensing its various gambling functions. The 'Statement of Principles' must by law be reviewed and re-published every three years and sooner if so required. In 2018 the Authority revisited the statement which has been in effect since January 2016. This report seeks the approval by the Licensing and Regulatory Committee of the revised principles statement, now attached as Appendix A, for recommendation on to full Council so that it may be adopted for publication and ready to take effect from 31 January 2019.

#### **2. OPTIONS CONSIDERED**

- 2.1 Not applicable, Statutory consultation of a policy document.

<b>3. RECOMMENDATIONS</b>
3.1 That the post-consultation draft 'Statement of Principles' in respect of Gambling Act 2005 functions, as attached at Appendix A, be approved
3.2 That the Committee makes recommendation to full Council that the 'Statement of Principles' document be adopted.
<b>REASON FOR DECISION</b>
Statutory requirement to review and readopt the Council's Gambling Policy.

#### **4. KEY INFORMATION**

- 4.1 The Licensing and Regulatory Committee (Licensing Committee as per the 2003 Act) established under section 6 of the Licensing Act 2003 is responsible for dealing with matters under the Gambling Act 2005. Some of these functions are delegated to a sub-committee or officers, but some functions may not be delegated. These exceptions are matters for full Council and include final approval of the three year 'Statement of Principles' document.
- 4.2 The 'Statement of Principles' must contain certain information as required by regulation. The statement must also have regard to guidance issued under section 25 of the Act by the Gambling Commission (a regulatory body independent of Central Government), and take into account the views expressed in any consultation responses from statutory consultees - including local communities and responsible authorities.
- 4.3 The redrafted statement, attached as Appendix A to this report, contains amendments from the previous version published in 2016.
- 4.4 A summary of the changes made (brought to this Committee on 10 August 2018) from the 2016 statement to the redraft is attached to this report as Appendix B.
- 4.5 Generally, a licensing authority must when undertaking gambling licensing functions have regard to its own Statement of Principles and guidance issued by the Gambling Commission, as well as the licensing objectives and any codes of practice issued by the Gambling Commission.
- 4.6 The fifth edition of the 'Statement of Principles', once approved and adopted, shall take effect for a three-year period from 31 January 2019 (although it may be revised sooner if necessary). It will then become a primary point of reference for councillors, officers, applicants and other responsible/interested parties.

#### **5. LINKS TO JOINT STRATEGIC PLAN**

- 5.1 The Council's Gambling 'Statement of Principles' is the overarching set of principles which guides the Councils in carrying out its Gambling licensing functions. The Statement balances sector business activity with relevant safeguards and protections, including social responsibility.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 This is a statutory function. The Licensing Team has to date undertaken the necessary preparatory and consultation work within existing resources and fee structure, and by working collaboratively, wherever viable.
- 6.2 The discretionary (self-set) fee elements that Babergh are permitted to charge under the Gambling Act 2005, have been set at the maxima permissible under the Gambling Act 2005 fee regulations. These fee levels were re-adopted by the Licensing and Regulatory Committee for the Council on 10 August 2018, under the authority delegated to this Committee by the Council.
- 6.3 Periodic fee reviews should take place to ensure that as far as possible fee income meets the cost to the Licensing Authority of administering and maintaining the functions, and minimise burden on local taxpayers.

## 7. LEGAL IMPLICATIONS/RISK MANAGEMENT

- 7.1 This report is most closely linked with the Council's Significant Business Risk No. 5F - Councils may be perceived to be untrustworthy and have a poor reputation. Operational risk 2AO1 - If licensing functions are not delivered within prescribed framework/local policy/timeframe, then businesses will be impacted and reputational harm/appeal likelihood will increase. Financial loss. Further Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to review, revise and re-consult upon the policy will result in legal challenge to Council decisions under the 2005 Act (including potentially by judicial review).	3 - Probable	3 - Bad	Review, revise and re-consult on the statement of principles in accordance with the requirements of the Act, regulations and statutory guidance.

- 7.2 The risks that inherently apply to the Licensing Authority when carrying out its Gambling Act 2005 functions relate to promotion of the gambling licensing objectives, which 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.

## 8. CONSULTATIONS

- 8.1 This will be the fifth edition of the Council's 'Statement of Principles' under the Gambling Act 2005. The Licensing Team has the necessary experience, stakeholder contacts and networking in place to ensure that a wide and balanced consultation has taken place. The consultation took place over a period of six weeks, through various channels/media.
- 8.2 Adoption of the Gambling Act 2005 'Statement of Principles' is a function reserved for full Council at both Authorities.
- 8.3 Following the consultation exercise Babergh received 5 responses these are attached to this report as Appendix C. From the responses received there are no further necessary changes which need to be made to the draft 'Statement of Principles'.

## 9. EQUALITY ANALYSIS

- 9.1 There are no equality implications arising directly from this report. This is a statutory revision to an existing policy. The Council recognises its obligations under the Equality Act 2010, in the exercise of its licensing functions, and has had due regard to any comments received during the policy consultation on equality issues.

## **10. ENVIRONMENTAL IMPLICATIONS**

10.1 There are no direct Environmental Implications arising from this report.

## **11. APPENDICES**

Title	Location
(a) Statement of Principles (2019-2022) - DRAFT	Attached
(b) Summary of the changes made to the draft Statement of Principles document	Attached
(c) Consultation responses received	Attached
(d) Consultee List (summary)	Attached

## **12. BACKGROUND DOCUMENTS**

12.1 Gambling Act 2005

12.2 Guidance to Licensing Authorities 5th Edition September 2015 (as amended September 2016).



Babergh District Council

# Gambling Act 2005

## Statement of Principles

2019 - 2022 (unless sooner revised)



5th EDITION: Adopted by Council on X December 2018

# GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

## Preface:

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Core content of this '**Gambling Act 2005: Statement of Principles**' has been drafted in partnership by the seven district and borough Licensing Authorities across Suffolk with an aim of creating a broadly consistent document for the benefit of all stakeholders and others with an interest in the Gambling Act 2005 functions.

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. This document is the fifth such statement for this Licensing Authority and must, by order of the Secretary of State, be published to take effect from 31 January 2019.

This document has been developed with due regard to all available regulations, conditions, codes of practice, statutory guidance, practical experience of the legislation and any consultee responses. Should anything in future publications, legislative/regulatory changes or case law impact upon the content of this 'statement of principles' document, then it will be taken into account and the document may be updated at a later stage and with due consideration to the resource implications for the Licensing Authority.

All references made within this document to the Gambling Commission Guidance for Licensing Authorities, and any extracts quoted thereof, refer to the fifth edition Guidance document published in September 2015 (as amended in September 2016).

For further information please refer to:

[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)  
[www.gov.uk](http://www.gov.uk)  
[www.babergh.gov.uk](http://www.babergh.gov.uk)

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Babergh District Council's website has an on-line public register, accessible 24 hours a day 7 days a week, for all Gambling Act 2005 matters for which it has responsibility. The Gambling Commission website gives details of both licensed and pending Gambling Operators.

**GAMBLING ACT 2005: STATEMENT OF PRINCIPLES  
(FIFTH EDITION)**

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# PART A: GENERAL MATTERS

## 1. The Licensing Objectives

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- 1.1 In exercising most of its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005 ('the Act'). The licensing objectives are:

- Preventing gambling from being a source of crime and 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.

The Gambling Commission has stated that, with limited exceptions, the intention of the Gambling Act 2005 is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities, except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children (excepting category D machines).

- 1.2 In accordance with section 153 of the Act, in making decisions about premises licences and temporary use notices the Licensing Authority should **aim to permit** the use of the premises for gambling purposes in so far as it thinks it:
- 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 principles.

## 2. Introduction

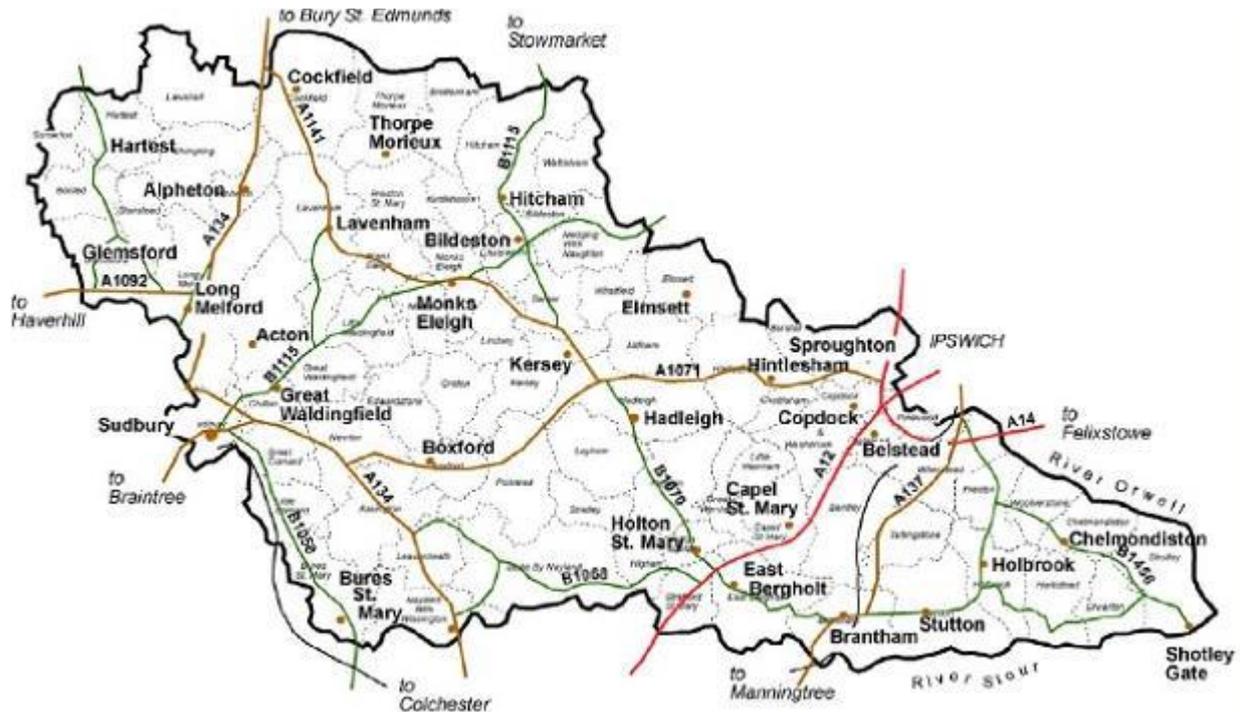
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- 2.1 Babergh District Council is situated in the County of Suffolk, which at the time this document was published, contains seven District / Borough Councils in total.

Whilst the Babergh District remains very rural, it is within close and convenient distance of London and the Continent. The District has a population of approximately 87,000. It covers an area of 230 square miles and contains several small towns and villages which still retain much

of their original outstanding character and appearance, including the nationally recognised villages of Lavenham and Long Melford.

The largest town in Babergh is Sudbury which combined with its neighbouring village of Great Cornard has a population of approximately 22,700. The other market town of Hadleigh has a population of approximately 8,900. Ipswich (10 miles from Hadleigh) is now spilling over into the District, and has a population in excess of 130,000 people. These areas are shown in the map below:



Ease of communications, the many seaside resorts along the east coast and picturesque towns, villages and countryside make South Suffolk a very popular place to live, work and to visit.

The main gambling activities noted in the district since implementation of the Gambling Act 2005 are licensed off-course betting, gaming in alcohol licensed premises and members clubs (in the form of gaming machines, exempt and prescribed gaming), non-commercial gaming, occasional use notices for point-to-point track betting and small society lottery registrations.

- 2.2 Licensing Authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from time to time and any amended parts must be re-consulted upon. Following any amendment and consultation, the revised statement will then be re-published.
- 2.3 Babergh District Council consulted widely upon this statement of principles before it was finalised and published. The Gambling Act 2005 requires that the following parties are 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; and

- 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

A list of the persons consulted by the Licensing Authority is attached to this document as Schedule A.

The consultation took place between **31 August 2018** and **12 October 2018**

The full list of any comments made and the consideration by the Licensing Authority of those comments is available upon request by contacting:

**Babergh District Council**  
**Licensing Team, Endeavour House, 8 Russell Road, IPSWICH, Suffolk IP1 2BX**  
 (☎ Tel: 0300 123 4000) ✉ e-mail: [licensingteam@baberghmidsuffolk.gov.uk](mailto:licensingteam@baberghmidsuffolk.gov.uk)  
 website: [www.babergh.gov.uk](http://www.babergh.gov.uk)

- 2.4 The statement of principles was approved at a meeting of the full Council of Babergh District Council on X December 2018 and was published on the Council website by X January 2019. Copies were placed in the public libraries within the District as well as being available at the Council's Customer Access Points in Stowmarket and Sudbury. Should you have any comments concerning this document then please send them via e-mail or letter to the Licensing Team as above.
- 2.5 It should be noted that this statement of principles document shall not override the rights 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.
- 2.6 Where revisions are made to the legislation or Guidance issued by the Gambling Commission, there may be a period of time when the local statement of principles is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, Guidance and its own statement of principles.

### 3. Declaration

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- 3.1 In producing this statement of principles the Licensing Authority declares that it has had due regard to the licensing objectives of the Gambling Act 2005 (see 1.1 of this document), the guidance issued by the Gambling Commission, and any responses from those consulted on the statement of principles.

### 4. Responsible Authorities

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- 4.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm. The principles are:
- 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.

- 4.2 In accordance with the Gambling Commission Guidance for Licensing Authorities this Authority intends to designate the **Suffolk Safeguarding Children Board** for this purpose.
- 4.3 The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Babergh District Council website at [www.babergh.gov.uk](http://www.babergh.gov.uk) or available upon request to the Licensing Team.

## 5. Interested parties

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- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Gambling Act defines interested parties as persons who:
- a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
  - b) have business interests that might be affected by the authorised activities, or
  - c) represent persons who satisfy paragraph (a) or (b).
- 5.2 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 (including whether a person lives sufficiently close to the premises. These principles are:
- Each case will be decided upon its merits.
  - The Licensing Authority will not apply a rigid rule to its decision making. It may have regard to a number of factors, for example:
    - (i) The size of the premises;
    - (ii) The nature of the premises (including activities the applicant proposes to provide);
    - (iii) The distance of the premises from the location of the person making the representation;
    - (iv) The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment;
    - (v) The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises; and
    - (vi) Guidance from the Gambling Commission that ‘business interests’ should be given the widest possible interpretation (paragraph 8.14 of the guidance refers).
- 5.3 Interested parties can include persons who are democratically elected such as county, parish and town councillors and MPs. Other than these persons, the Licensing Authority will normally require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities.
- 5.4 If individuals approach Councillors to ask them to represent their views then care should be taken to ensure that the Councillors are not subsequently appointed as part of a Licensing Sub-Committee who may be involved with determination of the licence application. If any further guidance is required, generally or in individual cases, then please contact the Licensing Team at Babergh District Council.

## 6. Exchange of Information

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- 6.1 This Licensing Authority will, when exchanging information it holds relating to gambling premises, permits, registrations and temporary permissions, apply the following principles:
- (a) act in accordance with the provisions of the Gambling Act 2005;
  - (b) comply with the Data Protection Act 2018;
  - (c) comply with any relevant requirements of the Freedom of Information Act 2000;
  - (d) have regard to Part 13 of the Guidance issued by the Gambling Commission on this matter and the Gambling Commission's publication '*Advice to Licensing Authorities on information exchange with the Gambling Commission*' (as may be periodically updated); and
  - (e) any relevant regulations issued by the Secretary of State under the powers provided by the Gambling Act 2005.
- 6.2 Should any protocols be established pursuant to section 350 of the Act concerning information exchange with the other bodies as listed in Schedule 6(1) of the Act then these will be made available by the Licensing Authority.

## 7. Enforcement

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- 7.1 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.
- 7.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission Guidance (in particular Part 36), the Regulators' Code and its own Joint Corporate Enforcement Policy. The Authority shall endeavour to regulate in the public interest and be:
- **Proportionate:** regulators should only intervene when necessary and 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 regulation simple and user friendly; and
  - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 In accordance with the Gambling Commission Guidance, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 Any inspection programme, which may be adopted by the Licensing Authority, shall be risk-based and may be combined with other functions.
- 7.5 The enforcement and compliance role for the Licensing Authority under the Gambling

Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for Operator and Personal Licences. Manufacture, supply or repair of gaming machines is dealt with by the Gambling Commission and not the Licensing Authority.

7.6 This Licensing Authority will also endeavour to work in partnership with and support local businesses, having due regard to the stated principles and any best practice guidelines/codes published by the Office for Product Safety and Standards, in respect of its responsibilities under the Gambling Act 2005 and other regulatory functions of the Local Authority. This includes that Regulators should:

- carry out their activities in a way that supports those they regulate to comply and grow;
- provide simple and straightforward ways to engage with those they regulate and hear their views;
- base their regulatory activities on risk;
- share information about compliance and risk;
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- ensure that their approach to their regulatory activities is transparent.

7.7 With due regard to the principle of transparency, any enforcement/compliance protocols or written agreements developed by the Licensing Authority shall be made available upon request to the Licensing Team.

7.8 In considering applications, and taking enforcement action, under the Gambling Act 2005 the Licensing Authority shall duly consider any Human Rights Act 1998 implications (in particular Article 1, Protocol 1 and Articles 6, 8 and 10).

## **8. Licensing Authority functions**

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8.1 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling, the main functions of which are to:

- Licence premises for gambling activities;
- Consider notices given for the temporary use of premises for gambling;
- Grant permits for gaming and gaming machines in clubs and miners welfare institutes;
- Regulate gaming and gaming machines in alcohol-licensed premises;
- Grant permits to Family Entertainment Centres (FEC's) for the use of certain lower stake gaming machines;
- Grant permits for prize gaming;
- Consider occasional use notices for betting at tracks;
- Register small societies' lotteries;
- Consider applications for provisional statements;
- Provide information to the Gambling Commission regarding details of licences, permits, notices and registrations issued (see section 6 above on 'Exchange of Information');
- Maintain registers of the permits, notices and licences that are issued under these functions; and
- Prepare and publish, every three years (or sooner if required), a statement of the principles it proposes to apply when exercising its functions under the Gambling Act 2005.

Additions or amendments to the list above notified by the Gambling Commission will be published on the Council website.

- 8.2 The Babergh District Council summary of delegations adopted under the Gambling Act 2005 is available separately via the Council website at [www.babergh.gov.uk](http://www.babergh.gov.uk) or upon request direct to the Licensing Team.
- 8.3 It should be noted that local Licensing Authorities are not responsible for licensing remote gambling. This is the responsibility of the Gambling Commission.

## 9. Appeals

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- 9.1 Appeals relating to premises licensing and other decisions by Licensing Authorities are covered within the relevant legislation and regulations and are referred to in Part 12 of the Gambling Commission guidance.

# PART B: PREMISES LICENSING

## 1. General Principles

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- 1.1 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations. The Act provides that licences may be subject to conditions in a number of ways:
- (a) automatically, having been set out on the face of the Act;
  - (b) through regulations made by the Secretary of State;
  - (c) by the Gambling Commission, to operating and personal licences;
  - (d) by the Licensing Authority, to premises licences and some permits; and
  - (e) by the Licensing Authority, by excluding certain default conditions on a premises licence.
- 1.2 When determining an application, this Licensing Authority **aims 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 principles.
- 1.3 **Definition of 'Premises':**  
'Premises' is defined by the Act as 'any place'. A particular premise can not be granted more than one premises licence under the Gambling Act at any one time. It is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being separate premises. Whether different

parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

1.4 The Licensing Authority takes particular note of the Gambling Commission Guidance which states that Licensing Authorities should take particular care when considering applications for more than one premises licence for a single building, and applications for a premises licence where part of the premises is used for non-gambling purposes. In particular the Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot 'drift' into a gambling area;
- 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
- customers are able to participate in the principal gambling activity authorised by the premises licence.

1.5 The Licensing Authority takes particular note of the Gambling Commission Guidance which states that Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises - whether licensed or unlicensed. The Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot 'drift' into a gambling area;
- 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;
- customers are able to participate in the principal gambling activity authorised by the premises licence;
- children can gain access to the premises;
- the two establishments are compatible;
- the proposed licence holder would be able to comply with the requirements of the Act, for example mandatory operating licence conditions; and
- Gambling Commission Guidance in relation to division, separation or splitting of premises and primary gambling activity (Part 7 of statutory guidance).

In addition an overriding consideration for the Licensing Authority is 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.

1.6 Where an application is made in respect of a premises to be constructed or altered the Licensing Authority will consider each application on its own merits having due regard to the advice given by the Gambling Commission in its Guidance (particularly sections 7.59 to 7.65). The Licensing Authority will consider whether:

- (a) a future effective date on the licence is appropriate; or
- (b) the licence should be issued subject to a condition that trading shall not commence until the premises have been completed in all respects and in accordance with the scale plans provided with the application.

The Licensing Authority may require inspection of the completed works or written confirmation from the applicant, their agent or surveyor to satisfy the Authority that the completed works comply with the original, or changed, plan attached to the premises licence.

- 1.7 **Location:** Demand or need for licensed premises cannot be considered with regard to the location of premises. In accordance with the Gambling Commission Guidance, the Licensing Authority will pay particular attention to protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. The Licensing Authority will carefully consider applications for premises licences and whether there is a need for condition(s) to mitigate risks, in respect of certain kinds of gambling located very close to a school or a centre for gambling addicts, in light of the third licensing objective. Each case will be decided on its merits and will depend to a large extent on the type of gambling that is proposed for the premises. 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.
- 1.8 **Duplication with other regulatory regimes:** The Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems wherever possible, including planning, building control, health and safety and fire safety. Should it come to the attention of the Licensing Authority that planning conditions or other regulatory restrictions/controls may impact on a premises operator's ability to comply with mandatory or default conditions then it may alert the applicant accordingly. 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 control.
- 1.9 **Licensing objectives:** Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission Guidance and provides some commentary below:

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

The Gambling Commission takes the leading role in preventing gambling from being a source of crime. Where a particular area is associated with criminal activity the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate, for example the provision of door supervisors. There is a distinction between disorder and nuisance and the Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed when determining applications under the Gambling Act 2005. The Licensing Authority shares the view expressed by the Gambling Commission in their guidance that in the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.

**(2) Ensuring that gambling is conducted in a fair and open way.**

The Gambling Commission states in its Guidance that it would, with the exception of tracks, generally not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this is addressed via Operator and

Personal licensing requirements. If the Licensing Authority suspects that gambling is not being conducted in a fair and open way then this will be brought to the attention of the Gambling Commission for its further consideration.

The Licensing Authority's role in relation to tracks will be different from other premises, in that track owners will not necessarily hold an operating licence with the Gambling Commission. In such circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority will have regard to the Gambling Commission's Guidance at Part 20 when considering such matters.

<b>(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling:</b>
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The Gambling Commission has stated, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children (excepting category D machines).

The Licensing Authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include such matters as supervision of entrances/machines or segregation of areas and the Licensing Authority will also have due regard to any relevant Codes of Practice issued by the Gambling Commission concerning this licensing objective in relation to specific premises.

The Gambling Commission does not provide a definition for the term 'vulnerable persons' but states that for regulatory purposes assumes that this group includes people who:

- gamble more than they want to;
- gamble beyond their means; and
- may not be able to make informed or balanced decisions about gambling due to, for example mental health, a learning disability or substance misuse relating to alcohol or drugs.

The Licensing Authority will consider this licensing objective on a case by case basis.

**1.10 Conditions:**

Since the Licensing Authority must aim to permit the use of premises for gambling, it will not attach conditions which limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:

- in accordance with the Gambling Commission Guidance, the Commission's codes of practice or this Licensing Authority's Statement of Policy; or
- in a way that is reasonably consistent with the licensing objectives.

This Licensing Authority notes that conditions on premises licences should only relate to gambling, and it is not necessary, proportionate or appropriate to impose conditions on a premises licence where the Gambling Commission's Licence Conditions and Codes of Practice, or other legislation, places the same or similar duties, responsibilities or restrictions on an employer or the operator of gambling premises.

This Licensing Authority shares the view of the Gambling Commission that the mandatory and default conditions set by the Secretary of State will normally be adequate for the general good conduct of gambling premises. However, where

there are specific, evidenced risks or problems associated with a particular locality, specific premises, or class of premises in its area then the Licensing Authority may be able to attach individual conditions to address this.

Any conditions attached by the Licensing Authority to a premises licence shall be:

- carefully considered in view of the matters mentioned above at 1.10;
- directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- relevant to the need to make the proposed building suitable as a gambling facility;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Sections 169 to 172 of the Act set out certain matters that may not be the subject of Licensing Authority conditions, and these are set out below:

- any condition on the premises licence which makes it impossible to comply with an operator licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body cannot be required by attaching a condition to a premises licence (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.

The Licensing Authority will have due regard to these matters when considering the need for conditions.

1.11 The Licensing Authority will also consider specific measures which may be required for buildings which are the subject of more than one premises licence. In considering these matters the Licensing Authority shall have due regard to:

- any mandatory or default conditions of licence,
- any relevant Codes of Practice (particularly social responsibility provisions linked to operator licences) issued by the Gambling Commission; and
- Gambling Commission Guidance.

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 specific non-adult gambling premises in order to promote the licensing objectives.

1.12 The Licensing Authority must be satisfied that where category C or above machines are available 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 may apply to premises including buildings where more than one premises licence is applicable.

1.13 'Tracks' may be subject to one, or more than one, premises licence provided each licence relates to a specified area of the track. In accordance with the Gambling Commission Guidance, the Licensing Authority will consider the impact upon the protection of children 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.

1.14 In accordance with Gambling Commission Guidance, the Licensing Authority may consider whether door supervisors are appropriate in particular circumstances in order to:

- prevent premises from becoming a source of crime or disorder; or
- protect children and vulnerable persons from being harmed or exploited by gambling.

Should the Licensing Authority consider that door supervisors are necessary and appropriate in particular circumstances to address specific risks regarding the licensing objectives for an individual premises, it will normally expect that any person employed as a door supervisor at that premises will either:

- meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption from the licensing of door supervisors by the SIA for in-house staff of casino and bingo premises); or
- the holder of the operator licence will have recruitment criteria for their door supervisors, which may specify:
  - (a) a minimum training standard (whether within the organisation, or a nationally accredited training course); and
  - (b) an assessment of whether that individual is fit and proper, for example by means of a subject access search, Disclosure and Barring Service (DBS) disclosure or other means.

1.15 Operators should ensure their familiarity, and compliance where appropriate, with the Gambling Commission's published Licence Conditions and Codes of Practice (LCCP), which were substantially updated in April 2018. These provide sector-specific advice about steps that a business should take to meet its social responsibilities and reflect the licensing objectives. In particular this relates to those business activities which fall under the responsibility of the Licensing Authority i.e. in

the areas of non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences. The exceptions to this are non-remote general betting (limited) and betting intermediary licences. See also **Schedule E** of this statement of principles relating to Local Area Profile and Risk Assessments.

## 2. Reviews

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2.1 An application for review of a premises licence may be made by:

- a interested party;
- a responsible authority; and
- the Licensing Authority, for :
  - (i) a particular class of premises licence; or
  - (ii) in relation to a particular premises.

It is for the Licensing Authority to decide whether the review is to be carried-out.

2.2 Any request for a review should normally relate to matters relevant to one or more of the following:

- any relevant code of practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives, and
- the Licensing Authority's statement of principles.

When considering any review request, or whether to instigate its own review, the Licensing Authority will have due regard to the guidance issued by the Gambling Commission and consider;

- each application on its merits;
- whether matters raised in the application are frivolous or vexatious;
- whether the application would certainly not cause it to amend/suspend or revoke the licence; or
- whether the request is substantially the same as any previous representations, requests made for a review or previous application for the same premises.

Officers of the Authority may attempt informal mediation or dispute resolution techniques, where practicable, prior to a review being conducted.

2.3 A review application must only be determined by a Sub-Committee, and not by an officer. The purpose of a review is to determine whether the Licensing Authority should take any action in relation to the licence. The Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations. If action is justified, the options are to:

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such and exclusion;
- (c) suspend the premises licence for a period not exceeding 3 months; or
- (d) revoke the premises licence.

### 3. Provisional Statements

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- 3.1 An applicant may apply for a full premises licence where the premises are uncompleted or unaltered. However an applicant for a provisional statement does not need the right of occupation or an operator licence (granted or applied for) which are required in order to apply for a premises licence.
- 3.2 An application may be made to the Licensing Authority, under section 204 of the Act, for a provisional statement in respect of premises that the applicant expects to;
- be constructed;
  - be altered;
  - acquire a right to occupy.

An application may also be made for a provisional statement for premises already having a premises licence (either for a different type of gambling or the same type).

- 3.3 When considering an application for a provisional statement the Licensing Authority shall have due regard to the guidance issued by the Gambling Commission (in particular Part 11). Subject to any necessary modifications, the process for considering an application for a provisional statement is the same as that for a premises licence, including the rights of interested parties and responsible authorities to make representations and rights of appeal.
- 3.4 If representations about a premises licence application, following the grant of a provisional statement, are received then they may not be taken into account unless they concern matters which could not have been addressed when determining the provisional statement, or they reflect a material change in the circumstances of the application. The Licensing Authority must determine the premises licence, referring only to matters:
- (a) which could not have been raised by way of representations at the provisional statement stage;
  - (b) which in the Licensing Authority's opinion reflect a change in the operator's circumstances; or
  - (c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. If there are substantial changes to the plan the Licensing Authority will discuss any concerns with the applicant before making a decision.
- 3.5 In accordance with section 210 of the Act (which applies to premises licences and provisional statements), the Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

### 4. Temporary Use Notices

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- 4.1 Temporary Use Notices (TUNS) allow the use of premises for gambling where there is no premises licence but where a licensed gambling operator wishes to use the premises for providing facilities for equal chance gaming. The Gambling Commission Guidance suggests that premises that might be suitable for TUNS include hotels, conference centres and sporting venues, and that equal chance gaming may include

games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker (but may not be provided by means of machine).

- 4.2 There are a number of statutory limits that apply in respect of Temporary Use Notices, including that a TUN may only be granted to a person or company holding a relevant operator licence, in effect a non-remote Casino Operating licence, and limitations on the number of times a 'set of premises' can be used under these provisions.
- 4.3 A 'set of premises', as referred to by section 218 of the Act, is the subject of a Temporary Use Notice if any part of the premises is the subject of a notice. This reference to 'premises' is not the same as that in Part 8 of the Act (see Part 7 of the Gambling Commission Guidance) and prevents one large premises from serving TUNS for different parts of the premises and exceeding the statutory limit of 21 days in any 12 month period.
- 4.4 The Licensing Authority will take into account Gambling Commission Guidance when considering whether a place falls within the definition of a 'set of premises'. This consideration may include looking at the ownership, occupation and control of the premises. The Gambling Commission Guidance advises that being a new type of permission, Licensing Authorities should be ready 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.
- 4.5 Where a notice of objection is received in respect of a Temporary Use Notice, the Licensing Authority will hold a hearing and consider representations from:
  - the person who gave the notice
  - any person who objected to the notice; and
  - any party who was entitled to receive a copy of the Temporary Use Notice.

Where all parties agree that a hearing is unnecessary, the hearing may be dispensed with.

- 4.6 Where objections are made, a modification to the Temporary Use Notice may be proposed, which could include a:
  - reduction in the number of days when gambling occurs; and/or
  - restriction on the type of gambling which may take place.
- 4.7 Where, following a hearing or after a hearing has been dispensed with, the Licensing Authority considers that the Temporary Use Notice should not have effect, it must issue a counter-notice which may:
  - prevent the temporary use notice from taking effect;
  - limit the activities that are permitted;
  - limit the time period of the gambling;
  - allow the activity to take place subject to a specified condition.
- 4.8 The principles which the Licensing Authority will apply in determining a TUN are those which it will apply when determining a premises licence, subject to its view as to whether it accords with:
  - a Gambling Commission code of practice;
  - the Guidance issued by the Gambling Commission;

- the Licensing Authority's statement of principles; and
- is reasonably consistent with the licensing objectives.

## 5. Occasional Use Notices

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- 5.1 Occasional Use Notices (OUNS) permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is taking place is of a temporary, infrequent nature. The OUN dispenses with the need for a Betting Premises Licence for the track in these circumstances.
- 5.2 The OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track.
- 5.3 The Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will consider the definition of a 'track', which need not be a permanent fixture, and whether the applicant is eligible to serve the notice.

## 6. Casinos

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- 6.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but retains the power to do so. Any change will be published in this Statement of Principles and on the Council's website during any intervening period.
- 6.2 Where a Licensing Authority has the power to determine a premises licence application for a new style casino, it will do so following any regulations under Section 175 of the Gambling Act 2005 published by the Secretary of State.
- 6.3 The Act lays down a framework for a two-stage process for considering applications in circumstances where the number of applications exceeds the number of licences available, and this will be followed by the Licensing Authority.
- 6.4 **Licence considerations/conditions:** The Licensing Authority shall have due regard to Gambling Commission guidance in relation to the suitability and layout of casino premises, and also the guidance issued by the Commission on primary gambling activity at casino premises.

Conditions may be attached to casino operator licences by the Gambling Commission to restrict the types of casino games that may be made available, or specifying rules for casino or equal chance games played in a casino. The Licensing Authority will make itself aware of any operating, mandatory and default conditions, codes of practice and Gambling Commission guidance when considering applications, and attachment of any conditions, for casino premises licences.

- 6.5 **Betting machines:** Where betting is permitted in a casino the Licensing Authority will normally, in accordance with Gambling Commission 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 (self-service betting terminals) an operator wants to make available.

## 7. Bingo premises

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- 7.1 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category B or C machines are made available for use on premises to which children are admitted Licensing Authorities should ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; and
  - only adults are admitted to the area where the machines are located.
- 7.2 The Licensing Authority shall have due regard to relevant licence conditions and codes of practice in relation to the operation of bingo premises, and also the Gambling Commission's guidance about the particular issues that Licensing Authorities should take into account in relation to the suitability and layout of bingo premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

## 8. Betting premises

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- 8.1 **Betting machines:** The Licensing Authority will normally, in accordance with Gambling Commission 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 (self-service betting terminals) an operator wants to make available. Children and young persons will not be able to enter premises which hold a Betting Premises licence, unless the special rules applying to tracks are applicable.
- 8.2 The Licensing Authority shall have due regard to the Gambling Commission Guidance in relation to the suitability and layout of betting premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.
- 8.3 Betting machines (self-service betting terminals) are not gaming machines under the Act, and do not accrue against the premises entitlement for gaming machines, unless the machine is designed or adapted for use to bet on **virtual** races (that is, images generated by computer to resemble races or other events) in which case it is considered a gaming machine. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.

## 9. Track premises

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- 9.1 Tracks are defined under section 353 of the Act as a ‘horse race course, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place’.
- 9.2 The Act does not give a list of premises that are officially recognised as ‘tracks’, but there are a number of venues that could be classed as tracks, examples of tracks may include:
- horse racecourse
  - greyhound track
  - point-to-point horserace meeting
  - football, cricket or rugby ground
  - athletics stadium
  - golf course
  - venues hosting darts, bowls or snooker tournaments
  - premises staging boxing matches
  - sections of river hosting a fishing competition
  - motor racing events

This list is not exhaustive, but gives an example of the types of venue which could accommodate the provision of betting facilities.

- 9.2 The different types of approval for the provision of betting facilities may be made available at a sporting event are:
- an Occasional Use Notice (OUN); and
  - a Track Premises Licence.

Betting in relation to tracks may be provided either as on-course or off-course betting. The different types of betting are explained in detail in the Guidance issued by the Gambling Commission, and this is available via the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

- 9.3 A Betting Premises Licence permits a premises to be used for the provision of facilities for betting, whether by:
- making or accepting bets;
  - acting as a betting intermediary; or
  - providing other facilities for the making or accepting of bets.
- 9.4 Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specific area of the track. This allows track venues to develop leisure facilities such as a casino and apply for a (casino) premises licence for that part of the track.
- 9.5 There is no special class of Betting Premises Licence for a track, but the Act does contain rules which apply specifically to premises licences granted in respect of tracks.
- 9.6 Special rules apply to applicants for a premises licence in relation to a track. Most importantly the applicant need not hold an operator licence. That is because, unless the occupier of the track wishes to offer pool betting (or general betting) facilities himself (for which he will need a licence), the betting that is provided upon the track will not be provided by him but will be provided by other operators who come on-

course. Since those people will require the necessary operator licence(s), the Act allows the track operator to obtain a premises licence without also having to hold an operator licence. This 'Track Premises Licence' then authorises anyone upon the premises with a valid operator licence to offer betting facilities.

- 9.7 Track premises licences are distinguished from all other premises licences because children and young persons are allowed to be present on the track while betting is taking place on those licensed premises.
- 9.8 Track premises that safeguard the achievement of the three licensing objectives may generally be considered fit for gambling, and some general principles whereby Licensing Authorities can establish whether a track is fit for the provision of gambling facilities are outlined as follows:

Licensing objective	Issues to consider	Reason to consider a track premises unfit for gambling purposes?
<b>The protection of children and other vulnerable persons from being harmed or exploited by gambling</b>	Tracks permit access to children.	No - Children are allowed access to tracks on race days.
	Self-service betting terminals in areas where there is no supervision which would allow children or young persons to use machines undetected.	No - It is a mandatory condition of the operating licence that operators ensure that self-service betting terminals are supervised. This is not an issue for the premises licence.
<b>The protection of children and other vulnerable persons from being harmed or exploited by gambling</b> (...continued)	Children are allowed access to areas siting category B and C gaming machines.	It is a mandatory condition of the operating licence that operators ensure that children are not allowed access to areas where category B and C gaming machines are provided.  However, section 182 of the Act also creates a premises licence condition that children and young persons must be excluded from areas where any gaming machines other than category D are located.
	Betting areas adjacent to areas where children or young persons are present such as play areas.	No - Children are allowed access to tracks on race days and so will be exposed to gambling areas. It is a mandatory condition of the operating licence that

<b>Ensure gambling is conducted in a fair and open way</b>		operators do not accept bets from children or young persons.
	Betting areas adjacent to areas where children or young persons are present such as play areas.	The Commission considers that the location of betting does not generally pose a risk to this licensing objective. Licensing authorities may impose their own local conditions where they perceive problems.
	The rules of betting are not displayed on the premises.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that the rules of betting are displayed.
	Unlicensed betting operators are allowed to operate on tracks.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that licence holders make arrangements to ensure that they only allow licensed operators on track.
	Betting takes place out of approved hours.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that betting only takes place within the specified hours
<b>Prevent gambling from being a source of crime and disorder</b>	Betting is allowed in all parts of a track resulting in greater difficulties for track premises licence holders to identify instances of illegal betting.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.
	No formal exit/entry points allowing easy access for unapproved operators and customers.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.

The Licensing Authority will take any such guidance into consideration when determining an application for a track premises licence.

### **Access to premises and other parts of the track:**

- 9.9 Access between premises licensed for gambling and non-gambling areas is an important local licensing consideration, for reasons that include the following:
- (a) to prevent operators from seeking to circumvent the Act by artificially subdividing a premises and securing separate premises licences for its composite parts;
  - (b) to ensure that operators do not circumvent regulations governing the maximum number of gaming machines applicable to specific premises;
  - (c) to ensure that people who have entered a premises for one type of gambling are not exposed to another, potentially harder, form of gambling;
  - (d) to ensure that there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
  - (e) to ensure that all gambling premises have publicly accessible entrances;
  - (f) to ensure that gambling premises are not developed in the backrooms of other commercial premises.

### **Access by children - special dispensation for tracks:**

- 9.10 The Act forbids all persons under 18 years old to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the betting ring, where betting takes place. This dispensation does not, however, apply to:
- areas within a track where category C or above machines are provided; or
  - other premises to which under 18 year olds are specifically not permitted access.

Licensed betting operators at tracks are bound by their operating licence conditions which prevent them from accepting bets from persons who are under 18 years old. The track premises licence holder is also required through premises licence conditions to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling, the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling or betting areas where they are not permitted to enter.

- 9.11 Children and young persons will by law be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided. The Licensing Authority will normally expect premises licence applicants to demonstrate suitable measures to ensure the children do not have access to adult only gambling facilities.

Appropriate measures may include:

- Proof of Age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The location of gaming machines
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Be Gamble Aware.

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

### **Betting on event and non-event days:**

- 9.12 **Hours of betting on event days:** Premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days. The Licensing Authority will not generally expect to re-assess a licence application as a result of a change to the dates of sporting events, but would expect applicants and licence holders to make information about sporting fixtures available as part of the application.

Significant changes to the fixture/events listing have a bearing on the licence conditions in that track premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days.

- 9.13 Hours of betting on non-event days: On days when no public sporting event is taking place on a track, gambling facilities may only be provided on the track between the hours of 7am and 10pm. Where the premises user intends to continue to offer facilities for gambling outside the proposed gambling hours on non-event days these facilities should be provided by means of an Occasional Use Notice (OUN).
- 9.14 On non-event days, tracks become similar to licensed betting offices on the high street. Tracks may achieve this requirement by:
- (a) locating all betting areas inside an area of the premises that is separated from the remainder of the premises by a physical barrier, thereby preventing access other than through a designated entrance;
  - (b) only admitting adults to the part of the track where betting areas are located, by establishing procedures for verifying customer ages and refusing entry to adult-only areas for those unable to produce an acceptable form of identification (and taking action where there are unlawful attempts to enter adult-only areas);
  - (c) placing prominent notices in front of and inside each entrance stating that access to the area is prohibited to persons under 18.
- 9.15 The Licensing Authority may consider reducing the default gambling hours, providing any reduction is consistent with the principles set out in section 153 of the Act.

### **Self-Service Betting Terminals**

- 9.16 Licensed operators may install self-service betting terminals on tracks. There is no restriction on the number of self-service betting terminals that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by those under 18 years of age.

There is no formal requirement on track premises licence holders to involve themselves in the procedures used by betting operators to supervise their self-service betting terminals unless specific local conditions specifying supervisory arrangements are added to the track premises licence by the Licensing Authority terminals.

## Gaming machines

- 9.17 A track premises licence does not of itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operating licence.

Where a track owner holds both a track premises licence and a pool betting operating licence issued by the Gambling Commission (in effect, greyhound tracks only), they may site up to four gaming machines within categories B2 to D on the track.

Some tracks may also hold a premises licence under the Licensing Act 2003. As such they will be automatically entitled under section 282 of the Act to two gaming machines of category C or D.

In such scenarios the operating licence entitlement does not take precedence, and each licence has its own requirements that must be complied with.

- 9.18 Applications for permits to allow additional gaming machines are not permitted where the premises is already covered by a track premises licence. It is a condition of section 282 of the Act that alcohol-licensed premises licence holders (not necessarily the owners) must comply with any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine. The gaming machine permits code of practice can be found on the Gambling Commission website.
- 9.19 Where track premises licence holders possess a pool betting operating licence, the Commission places a mandatory licence condition on such operators that they must:
- have and put into effect documented policies and procedures to prevent underage gambling; and
  - monitor the effectiveness of these.

## Track administration:

- 9.20 **Administration of betting:** Administrative and quasi-regulatory arrangements in place to ensure that activities held on tracks run smoothly for paying customers, track operators and betting operators, are considered to be outside the remit of the Act unless they affect the licensing objectives.
- 9.21 **The role of track premises licence holders:** The responsibilities of track premises licence holders are established by the mandatory and default licence conditions attaching to their premises licence.

The licensed betting operators authorised by track owners to provide betting facilities at tracks must comply with their operating licence conditions and codes of practice issued by the Commission.

Track premises licence holders have a responsibility to report regulatory breaches or potential breaches relating to the premises itself or to betting operators.

- 9.22 **Acceptance of bets:** Track premises licences for greyhound tracks and racecourses are subject to mandatory licence conditions requiring access to be offered at the track-side to betting operators generally. This prevents track premises licence holders who are also pool betting operators from becoming a monopoly supplier of betting on tracks.

While this does not mean that there must be independent betting operators on tracks on event days, track premises licence holders cannot hold event days without at least making places available to licensed operators. This matter is the responsibility of the Gambling Commission and not the Licensing Authority.

### **Pool betting:**

- 9.23 Under the Act, holders of track premises licences on licensed greyhound tracks are given exclusivity to offer pool betting facilities on greyhound racing. They may also authorise other people to conduct such pool betting on their behalf, although in all cases a relevant operating licence will be required to license this activity.

A totalisator on a licensed greyhound track will only be permitted while the public are admitted to the track for the purpose of attending greyhound races, and no other sporting events are taking place. A mandatory condition is attached to the premises licence to this effect.

### **Admission of betting operators:**

- 9.24 It is a mandatory premises licence condition of track premises licences that the licence holder makes arrangements to ensure that the betting operators they admit to their track operate under valid operating licences.

Track premises licence holders are responsible for determining their own arrangements for the verification of betting operators. As part of this process, the track premises licence holder should make arrangements for ensuring that the betting operator holds an operating licence. Additionally, both parties should agree a procedure for assessing whether persons accepting bets on behalf of a betting operator either themselves hold operating licences in their own right, or are employed by the operator under a written contract of employment.

### **Removal of illegal betting operators:**

- 9.25 Track premises licence holders are required by a mandatory licence condition to take reasonable steps to remove from the racecourse anybody found to be providing facilities for gambling without authorisation. Failure to uphold this requirement could result in action being taken against the premises licence holder.

Track premises licence holders should have policies and procedures for identifying illegal gambling in addition to the mandatory requirement to verify that betting operators offering betting facilities on their track hold suitable operating licences.

### Display of rules:

- 9.26 It is a mandatory condition of premises licences that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks.

The track premises licence holder should make the necessary arrangements to ensure that betting rules are accessible to all customers, regardless of which area of the track they are in. If certain areas are restricted to certain customers (such as different stands within a football ground) then rules could be displayed at various parts of the track. Other measures could be taken to ensure that they are made available to the public, such as printing them in the race-card or programme. The requirement could also be met by making a copy of the rules available in leaflet form from the main track office, and customers could be given a copy if they request one.

Betting operators offering betting facilities on racecourses and at greyhound tracks are required through the conditions of their operating licence to clearly display any of their own rules that differ from those that the track premises licence holder elects to display, and their rules concerning voids, late bets, and maximum payouts. For racecourses and greyhound tracks, the maximum payout will vary according to the rules of individual on-course operators.

### Approved betting areas:

- 9.27 **Betting areas:** In considering applications, the Licensing Authority will take into account the licensing objectives and assess whether these objectives are compromised by proposed betting arrangements. The location of betting areas (other than those for gaming machines and self-service betting terminals) is not considered a threat to the licensing objectives and therefore no additional conditions would normally be imposed by licensing authorities, unless the circumstances are such that the Licensing Authority considers that the licensing objectives would be undermined.
- 9.28 **Multiple licences:** The Act permits a Licensing Authority to issue more than one premises licence for a track provided that each licence relates to a distinct specified area of the track (although there cannot be more than one premises licence covering the same area of the track.) This enables track owners to extend existing facilities to provide other gambling facilities such as a casino on their existing tracks, whereby these additional gambling activities are covered by separate premises licences.

Where an application is made for an additional premises licence, the Licensing Authority will consider the following matters when determining an application:

- access issues in particular whether access to the desired premises will be allowed directly from the track. Direct access between a track and other betting premises (other than a track betting shop) is not permitted. The track owner would need to make arrangements so that access to a casino or bingo hall would be via a street, not via the track itself.

Where a particular area of a track is already subject to a premises licence, and a person wishes to apply for a licence to offer another type of activity in that area, an

application must be made to the Licensing Authority to vary the original premises licence. The new track premises licence can only be granted at the same time as, or after, the original licence has been varied.

Where the Licensing Authority receives an application indicating separate betting areas that may not necessarily have clear physical boundaries, such as walls or fencing, it may grant the licence where it is satisfied that the area is clearly delineated, both in terms of making it clear to the public that they are entering a 'betting office', and to keep out persons aged under 18.

Where the Licensing Authority is not satisfied that a new activity in an existing area is clearly delineated, it may consider refusing the application.

### **Social responsibility considerations for tracks:**

- 9.29 The Act places a condition on the track premises licence that the licensee shall ensure that children and young persons are excluded from any area where facilities for betting are provided (unless on race days at racetracks and at greyhound tracks).

## **10. Adult Gaming Centres**

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- 10.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Be Gamble Aware.

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

The Licensing Authority may determine the opening hours for Adult Gaming Centres, on a case-by-case basis, in the absence of any default conditions addressing this matter.

## **11. (Licensed) Family Entertainment Centres**

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- 11.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require

applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only Category C gaming machine areas.

The Licensing Authority will require applicants to demonstrate that there will be sufficient measures to promote the licensing objectives. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Challenging children or young persons attempting to play category C machines
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Be Gamble Aware
- 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.

- 11.2 The Licensing Authority will, in accordance with the Gambling Commission Guidance, make itself aware of any conditions that may apply to Operator licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will ensure that it has due regard to any mandatory or default conditions on these Premises Licences and Codes of Practice and guidance issued by the Gambling Commission when dispensing its functions in relation to licensed Family Entertainment Centres.

The Licensing Authority may determine the opening hours for licensed FEC's, on a case-by-case basis, in the absence of any default conditions addressing this matter.

# PART C: PERMITS, TEMPORARY USE NOTICES, OCCASIONAL USE NOTICES & SOCIETY LOTTERIES

## 1. Unlicensed Family Entertainment Centre (unlicensed FEC's) gaming machine permits

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- 1.1 Unlicensed Family Entertainment Centres (FEC's) are commonly located at seaside resorts, in airports and at motorway service stations, catering for families - including unaccompanied children and young persons. Where a premises does not hold a Premises Licence but there is an intention to provide gaming machines (category D only), an application may be made to the Licensing Authority for the grant of this permit. The applicant must be an individual aged 18 or over, and he/she must occupy or plan to occupy the relevant premises. The Licensing Authority may only grant a permit where it is satisfied that the applicant intends to use the premises as an unlicensed FEC and where it has consulted the Chief Officer of Police on the application. Any duties on the applicant to comply with other legislation such as fire regulations or Health and Safety are not issues for the Licensing Authority under the Gambling Act 2005.
- 1.2 If the operator of a Family Entertainment Centre intends to make category C machines available, in addition to category D machines, then an application must be made for an Operator Licence from the Gambling Commission and a Premises Licence from the Licensing Authority (see Part B Section 11 on (Licensed) Family Entertainment Centres).
- 1.3 Detail of any up to date application requirements, including any supporting documentation required, is available via the Council website at [www.babergh.gov.uk](http://www.babergh.gov.uk) or from the Licensing Team direct.
- 1.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 1.5 **Statement of Principles:**

The Licensing Authority will expect the applicant to satisfy it that that they and their employees can demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's. The applicant is expected to demonstrate that he has considered appropriate measures to promote the licensing objectives, and training for staff on issues such as:

- suspected truant school children on the premises;
- how staff would deal with unsupervised very young children being on the premises;
- children causing problems on or around the premises; and
- maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's

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

- 1.6 The Chief Officer of Police is a statutory consultee for all such permit applications, and any representations made by him will be considered by the Licensing Authority.
- 1.7 The Licensing Authority may also require the applicant to provide details of any relevant convictions, (those that are set out in Schedule 7 of the Act), and the following documents would be acceptable for such purposes:
- disclosure and barring service - basic disclosure; or
  - a police subject access search.

## 2. Club Gaming Permits

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- 2.1 Members Clubs and Miners' welfare institutes (but not commercial Clubs) may apply for a Club Gaming Permit which authorises the premises to:
- make available for use up to 3 gaming machines of categories B3A to D (only one B3A can be made available as part of this entitlement);
  - equal chance gaming (without restriction on the stakes and prizes); and
  - games of chance as prescribed by regulations (namely pontoon and chemin de fer).

The gaming which a club gaming permit allows is subject to the following conditions:

### **In respect of equal chance gaming:**

- (a) The club must not deduct money from sums staked or won;
- (b) The participation fee must not exceed the amount prescribed in regulations;
- (c) The game takes place on the premises and must not be linked with a game on another set of premises. Two games are linked if:
  - (i) the result of one game is, or may be, wholly or partly determined by reference to the result of the other game; or
  - (ii) the amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game, and a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games

Only club members and their genuine guests participate.

### **In respect of other games of chance:**

- (a) The game must be pontoon or chemin de fer only;
  - (b) No participation fee may be charged otherwise than in accordance with the regulations;
  - (c) no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.
- 2.2 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 covering 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 Royal British Legion and clubs with political affiliations.

A club gaming permit may not be granted in respect of a vehicle or a vessel.

2.3 The Licensing Authority may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' 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 Suffolk Constabulary.

Where the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. In determining an application the Licensing Authority shall have regard to the relevant guidance issued by the Gambling Commission and, subject to that guidance, the licensing objectives.

2.4 Where a permit is granted, the permit holder must comply with statutory conditions:

- no child or young person may use a category B or C machine on the premises; and
- the permit holder must comply with any relevant provision of a code of practice regarding the location and operation of gaming machines.

Clubs do not have to have a permanent premises or alcohol licence.

2.5 There is a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003. Where an application is made under the fast track procedure, there is no opportunity for objections to be made by the Commission or the Suffolk Constabulary, and the grounds upon which an Authority can refuse a permit are limited as below:

- (a) the club is established primarily for gaming, other than gaming of a prescribed kind;
- (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.

### 3. Club Machine Permits

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3.1 Members clubs, Miners' welfare institutes and commercial clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B3A to D (only one B3A can be made available as part of this entitlement (Members clubs and Miner's welfare institutes only (i.e. not commercial clubs))).

- 3.2 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 covering 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 Royal British Legion and clubs with political affiliations.

Commercial clubs must have at least 25 members, but may be established with a view to making a profit, which is not returned to the members, but the proprietor(s) of the club. Examples of commercial clubs may include snooker clubs, clubs established for personal profit and most clubs established as private companies.

- 3.3 The Gambling Commission Guidance advises 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 Gambling Commission or the Police

It should be noted that either type of permit may not be issued in respect of a vessel or vehicle.

- 3.4 There is also a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for an objection to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are that:
- (a) the club is established primarily for gaming, other than gaming of a prescribed kind;
  - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) a club machine permit issued to the applicant in the last ten years has been cancelled.

- 3.5 There are statutory conditions concerning Club Machine Permits that no child or young person may use a category B or C machine on the premises and that the permit holder complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

## **4. (Alcohol) Licensed Premises Gaming Machine Permits**

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- 4.1 The Act makes provision for premises licensed to sell alcohol for general consumption on the premises to be entitled to make available up to 2 gaming machines, of categories C and/or D. The Licensing Act 2003 premises licence holder

needs only to notify the Licensing Authority of this intention and pay the prescribed fee. The Licensing Authority may remove the automatic authorisation in respect of any particular premises only if it is satisfied that:

- 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, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Before making any such order the Licensing Authority shall give the licensee at least 21 days prior notice and consider any representations made by the applicant (at a hearing if requested by the licence holder).

4.2 If a Licensing Act 2003 premises licence holder wishes to use more than 2 gaming machines, then (s)he will need to apply to the Licensing Authority for a permit and the Licensing Authority must consider that application based upon:

- the licensing objectives;
- any guidance issued by the Gambling Commission; and
- 'such matters' as it thinks relevant.

This Licensing Authority considers that 'such matters' will be assessed on a case by case basis. Generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

This permit replaces, and is not in addition, to the automatic entitlement notification.

4.3 The Licensing Authority expects the applicant to satisfy it that there will be sufficient measures in place to ensure that persons under the age of 18 do not have access to the adult only category C gaming machines. The applicant may consider appropriate measures to comply with Gambling Commission Codes of Practice and monitor access to machines. This may include:

- ensuring that the adult gaming machines are within sight of the bar, or within the sight of staff who can monitor that the machines are not being used by persons under the age of 18;
- notices and signage may also be an appropriate measure/safeguard;
- the provision of information leaflets / helpline numbers for organisations that give support to vulnerable persons such as GamCare and Be Gamble Aware.

4.4 The holder of a permit must comply with any relevant code of practice issued under section 24 of the Act by the Gambling Commission concerning the location and operation of the gaming machines.

4.5 It should be noted that the Licensing Authority can and may 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 to the grant of this permit.

There is a similar mechanism for applying to vary the number and category of machines specified on an existing permit.

## 5. Prize Gaming and Prize Gaming Permits

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### 5.1 Statement of principles:

The prize gaming 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 monetary 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.

It should be also noted that this permit cannot be issued in respect of a vessel or vehicle.

An application may only be made by an individual over the age of 18, who occupies or plans to occupy the relevant premises. An application for a permit can not be made if a premises licence or club gaming permit is already in effect for the same premises.

5.2 The Licensing Authority will expect the applicant to satisfy the Authority that that they and their employees can demonstrate a full understanding of the maximum stakes and prizes for the gaming offered and that the type of gaming offered is within the law. The applicant will normally be required to set out the types of gaming that he/she is intending to offer, and may wish to consider appropriate measures to promote the licensing objectives, and training for staff on:

- the type of gaming which they intend to provide; and
- the stakes and prizes which apply under the regulations relevant to the type of gaming they intend to offer.

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

5.3 In making its decision on an application for this permit the Licensing Authority may have regard to the licensing objectives and must have regard to any Gambling Commission Guidance. Given that the premises may be particularly appealing to children and young persons, the Licensing Authority will give appropriate weight to the consideration of child protection issues.

5.4 The Chief Officer of Police is a statutory consultee for all such permit applications. Any representations made by the Chief Officer of Police which are relevant to the licensing objectives will be considered by the Licensing Authority relevant considerations may include:

- whether the applicant has any convictions that would render them unsuitable to operate prize gaming, or
- the suitability of the location of the premises in relation to any disorder issues.

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

- 5.5 It should be noted that whilst there may be conditions in the Gambling Act 2005 and Gambling Commission codes of practice (including on social responsibility) with which the permit holder must comply, the Licensing Authority cannot attach conditions to this permit. Where the Authority is minded to refuse a permit application it will notify the applicant and allow the opportunity for the applicant to make representations (which may be considered at a hearing).

## 6. Travelling Fairs

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- 6.1 It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are 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.
- 6.2 The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.
- 6.3 The 27-day statutory maximum for the land being used as a fair is per calendar year, and that this 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. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land which crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

## 7. Society Lotteries

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- 7.1 The Council as the Licensing Authority is responsible for registering small society lotteries. A lottery is defined under the Act and in the guidance as:

A **simple lottery** if:

- persons are required to pay to participate;
- one or more prizes are allocated to one or more members of a class;
- the prizes are allocated by a process which relies wholly on chance.

A **complex lottery** if:

- persons are required to pay to participate;
- one or more prizes are allocated to one or more members of a class;
- the prizes are allocated by a series of processes;
- the first of those processes relies wholly on chance.

A society, or any separate branch of such a society, may be registered by the council to promote a small lottery where it is established and conducted for:

- charitable purposes (as defined in section 2 of the Charities Act 2006);
- the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;

- any other non-commercial purpose other than private gain;

The proceeds of the lottery must be devoted to the purposes above. The society must not be established for the sole purpose of facilitating lotteries.

A small lottery is defined in the Act and the current limitations are published on the Council website at [www.babergh.gov.uk](http://www.babergh.gov.uk) Definitions of exempt lotteries are also published at the above address.

- 7.2 The Council may only register a society which wishes to promote a small lottery where the society's principal office is located within its area. If the Council believes that the society's principal office does not fall within its boundaries it will inform the society at the earliest opportunity.

If the society's status is unclear, the Council may ask for the society applying to register with it to supply a copy of its terms of reference or constitution to enable it to establish that the society is non-commercial, together with a declaration to the effect that it is non-commercial.

- 7.3 Registration of small society lotteries is a function which the Council has delegated to officers. Details of societies registered by the council will be published in a register maintained by the Council.

The registration is for an indefinite period unless the registration is cancelled by:

- the society; or
- the council on failure of the society to pay the annual charge.

- 7.4 The Council may refuse to register a small society lottery where:

- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused within the past five years;
- the society can not be deemed non-commercial;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
- information provided in or with the application for registration is found to be false or misleading.

Where the Council proposes to refuse to register a small society lottery it will give the society an opportunity to make representations in writing or at a hearing. The Council will notify the society in writing of the outcome of the hearing and the reasons for the decision.

- 7.5 The Council may revoke a society lottery registration where it considers that it would have had to, or would be entitled to, refuse an application if it were to be made at that time.

## SCHEDULE A

**GAMBLING ACT 2005 STATEMENT OF PRINCIPLES:  
CONSULTEE LIST FOR BABERGH DISTRICT COUNCIL  
(AS MAY HAVE BEEN MODIFIED/UPDATED DURING CONSULTATION)**

1. All Town and Parish Councils in Babergh	2. All responsible authorities under the Gambling Act 2005
3. ADFAM Families Drugs and Alcohol 2nd Floor 120 Cromer Street LONDON WC1H 8BS	4. Age UK Tavis House 1-6 Tavistock Square LONDON WC1H 9NA
5. Age UK Suffolk Unit 14 Hillview Business Park Old Ipswich Road Claydon IPSWICH IP6 0AJ	6. Alcoholics Anonymous PO Box 1 10 Toft Green YORK YO1 7NJ
7. Association of British Bookmakers Ground Floor Warwick House 25 Buckingham Palace Road LONDON SW1W 0PP	8. BACTA 29-30 Ely Place LONDON EC1N 6TD
9. Bingo Association Lexham House 75 High Street North DUNSTABLE LU6 1JF	10. British Association of Leisure Parks, Piers & Attractions Ltd 29-30 Ely Place LONDON EC1N 6TD
11. British Horseracing Authority 75 High Holburn LONDON WC1V 6LS	12. Business in Sport and Leisure 17 A Chartfield Avenue Putney LONDON SW15 6DX
13. Casino Operator's Association UK 86 Jermyn Street LONDON SW1Y 6JD	14. Chilvers Automatics Ltd Unit H1-H2 The Seedbed Centre Wyncolls Road Severalls Industrial Park COLCHESTER CO4 9HT
15. Citizens Advice Bureau (Cambridge Field Office) 66 Devonshire Road CAMBRIDGE CB1 2BL	16. Crown Leisure Unit 1 Hillridge Road Martland Mill Industrial Estate Martland Park WIGAN WN5 0LS
17. Essex Leisure Essex House 21 Eastways WITHAM CM8 3YQ	18. Gamble Aware 7 Henrietta Street LONDON WC2E 8PS
19. Gambler's Anonymous Doncaster CVS Intake Wellness Centre DONCASTER DN2 6PL	20. Gamcare 1st Floor CAN Mezzanine Old Street LONDON N1 6AH

21.	Gamestec Leisure Ltd Wira House Ring Road West Park LEEDS LS16 6EB	22.	Gordon Moody Association 47 Maughan Street DUDLEY DY1 2BA
23.	Greyhound Board of Great Britain 6 New Bridge Street LONDON EC4V 6AB	24.	Horeserace Betting Levy Board 5th Floor 21 Bloomsbury Street LONDON WC1B 3HF
25.	Independent Betting Adjudication Service PO Box 62639 LONDON EC3P 3AS	26.	Learning Disability Partnership Board Partnership Board Administrator Adult and Community Services Endeavour House, 8 Russell Road IPSWICH IP1 2BX
27.	Mencap 123 Golden Lane LONDON EC1Y 0RT	28.	Narcotics Anonymous UK Service Office 202 City Road LONDON EC1V 2PH
29.	National Association of Bookmakers Ltd 19 Culm Valley Way Uffculme DEVON EX15 3XZ	30.	National Youth Agency Eastgate House 19-23 Humberstone Road LEICESTER LE5 3GJ
31.	Orwell Mencap 6 Wright Road IPSWICH IP3 9JG	32.	Racecourse Association Ltd Racecourse Services Executive Racecourse Association Ltd Winkfield Road ASCOT SL5 7HX
33.	Select Gaming Unit 6 Motorway Industrial Estate Forstal Road AYLESFORD ME20 7AF	34.	Society for Study of Gambling Secretary Via Email
35.	The Lotteries Council 66 Lincoln's Inn Fields LONDON WC2A 3LH	36.	The National Casino Industry Forum Carlyle House 235-237 Vauxhall Bridge Road LONDON SW1V 1EJ
37.	Sudbury & District Citizens Advice Keyse House Acton Lane SUDBURY CO10 1QN	38.	South Suffolk Home Start Crockatt Road Hadleigh IPSWICH IP7 6RH
39.	The National Stud NEWMARKET CB8 0XE	40.	All Premises Licence Holders and Gaming Machine Permit Holders under the Gambling Act 2005

### **Section 353 of the Gambling Act 2005 gives some general interpretation and reference for some of the main terminology used within the Act and contained within this Statement of Principles document. Except where the context otherwise requires:**

- "adult" means an individual who is not a child or young person
- "adult gaming centre" has the meaning given by section 237
- "alcohol licence" has the meaning given by section 277
- "authorised local authority officer" has the meaning given by section 304
- "authorised person" has the meaning given by that section
- "betting" has the meaning given by sections 9 to 11, 37 and 150
- "betting intermediary" has the meaning given by section 13
- "bingo" means any version of that game, irrespective of by what name it is described
- "casino" has the meaning given by section 7
- "casino game" has the meaning given by that section
- "Category A gaming machine" (or B, C or D) means a gaming machine falling within Category A (or B, C or D) as prescribed under section 236
- "chief constables of police forces" has the same meaning in relation to England and Wales as in the Police Act 1996 (c. 16)
- "child" has the meaning given by section 45
- "club gaming permit" has the meaning given by section 271
- "club machine permit" has the meaning given by section 273
- "commercial club" has the meaning given by section 267
- "the Commission" means the Gambling Commission
- "director" -
  - (a) has the meaning given by section 741 of the Companies Act 1985 (c. 6), and
  - (b) includes a shadow director within the meaning of that section
- "dog track" means premises which are designed, used or adapted for use for dog-racing
- "draw", in relation to a lottery, has the meaning given by section 255
- "EEA State" means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as it has effect from time to time)
- "enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament
- "enforcement officer" means a person designated or appointed as an enforcement officer under section 303
- "equal chance gaming" has the meaning given by section 8
- "exempt lottery" has the meaning given by section 258
- "external lottery manager" has the meaning given by section 257
- "fair" has the meaning given by section 286
- "family entertainment centre" has the meaning given by section 238
- "family entertainment centre gaming machine permit" has the meaning given by section 247
- "football pools" means an arrangement whereby -
  - (a) people compete for prizes by forecasting the results of association football games, and
  - (b) each entry to the competition must forecast the results of at least four games
- "gambling" has the meaning given by section 3
- "gambling software" has the meaning given by section 41
- "game of chance" has the meaning given by section 6
- "gaming" has the meaning given by that section
- "gaming machine" has the meaning given by section 235
- "horse-race course" means premises which are designed, used or adapted for use for horse-racing
- "horse-race pool betting" has the meaning given by section 12
- "large casino" has the meaning given by regulations under section 7(5)
- "licensed family entertainment centre" has the meaning given by section 238
- "licensed premises gaming machine permit" has the meaning given by section 283
- "the licensing objectives" has the meaning given by section 1
- "licensing authority" has the meaning given by section 2
- "lottery" has the meaning given by section 14 (and section 256)
- "lottery manager's operating licence" has the meaning given by section 98
- "lottery ticket" has the meaning given by section 253
- "machine" has the meaning given by section 235(3)(a)
- "members' club" has the meaning given by section 266
- "miners' welfare institute" has the meaning given by section 268
- "the National Lottery" has the meaning given by section 1 of the National Lottery etc. Act 1993 (c. 39)
- "non-commercial betting" has the meaning given by section 302
- "non-commercial gaming" has the meaning given by section 297
- "non-commercial society" has the meaning given by section 19

"occasional use notice" means a notice given under section 39

"operating licence" means a licence issued under Part 5

"on-premises alcohol licence" has the meaning given by section 277

"participant", in relation to a game of chance, includes a person who discharges an administrative or other function in relation to the game

"participation fee" has the meaning given by section 344

"passenger vessel" means a vessel which is carrying or expected to carry at least one passenger

"personal licence" means a licence issued under Part 6

"pool betting" has the meaning given by section 12

"premises" includes any place and, in particular -

- (a) a vessel, and
- (b) a vehicle

"premises licence" means a licence issued under Part 8

"private betting" has the meaning given by section 295 and Part 2 of Schedule 15

"private gaming" has the meaning given by section 295 and Part 1 of Schedule 15

"private gain" is to be construed in accordance with section 19(3)

"prize" in relation to gaming (except in the context of a gaming machine) has the meaning given by section 6

"prize" in relation to a gaming machine has the meaning given by section 239

"prize" in relation to a lottery has the meaning given by section 14

"prize gaming" has the meaning given by section 288

"prize gaming permit" has the meaning given by section 289

"proceeds", in relation to a lottery, has the meaning given by section 254

"profits", in relation to a lottery, has the meaning given by that section

"profits", in relation to non-commercial prize gaming, has the meaning given by section 299

"racecourse" means premises on any part of which a race takes place or is intended to take place

"real", in relation to a game, event or process means non-virtual

"relevant offence" has the meaning given by section 126 and Schedule 7

"remote communication" has the meaning given by section 4

"remote gambling" has the meaning given by that section

"remote gambling equipment" has the meaning given by section 36

"remote operating licence" has the meaning given by section 67

"rollover", in relation to a lottery, has the meaning given by section 256

"small casino" has the meaning given by regulations under section 7(5)

"society" includes a branch or section of a society

"stake" means an amount paid or risked in connection with gambling and which either -

- (a) is used in calculating the amount of the winnings or the value of the prize that the person making the stake receives if successful, or
- (b) is used in calculating the total amount of winnings or value of prizes in respect of the gambling in which the person making the stake participates

"supply" includes -

- (a) sale,
- (b) lease, and
- (c) placing on premises with permission or in accordance with a contract or other arrangement

"temporary use notice" has the meaning given by section 215

"track" means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place

"travelling fair" has the meaning given by section 286

"vehicle" includes -

- (a) a train,
- (b) an aircraft,
- (c) a seaplane, and
- (d) an amphibious vehicle (other than a hovercraft within the meaning of the Hovercraft Act 1968 (c. 59))

"vessel" includes -

- (a) anything, other than a seaplane or an amphibious vehicle, designed or adapted for navigation or other use in, on or over water
- (b) a hovercraft (within the meaning of the Hovercraft Act 1968), and
- (c) anything, or any part of any place, situated in or on water

"virtual" has the meaning given by subsection (3) below

"winnings", in relation to a bet, means anything won, whether in money or in money's worth

"young person" has the meaning given by section 45

**SCHEDULE C**

**Summary of machine provisions by premises**

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
<b>Large casino</b> (machine/ table ratio of 5:1 up to maximum)		Maximum of 150 machines Any Combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
<b>Small casino</b> (machine/ table ratio of 2:1 up to maximum)		Maximum of 80 machines Any Combination of machines in categories B to D(except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines) Or any number of C or D machines instead					
<b>Betting premises and tracks occupied by pool betting</b>			Maximum of 4 machines categories B2 to D (except B3A machines)				
<b>Bingo premises</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 *	No limit on category C or D Machines		
<b>Adult Gaming Centre</b>				Maximum of 20% of total number of gaming machines which are available for use on the premises categories B3 or B4 *	No limit on category C or D Machines		
<b>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 institutes</b> (with permit)				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
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3/B3A</b>	<b>B4</b>	<b>C</b>	<b>D</b>
<b>Maximum stake</b>	Unlimited	£5	£100 (in £10's)	£2 (B3) £2 (B3A)	£2	£1	Variable see table below

<b>Maximum prize</b>	Unlimited	No more than £10,000 ***	£500	£500	£400	£100	Variable see table below
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Note: Machine category stakes/prizes may be subject to periodic regulatory amendment.

\* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

\*\* 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.

\*\*\* Or – Where the prize value available through its use is wholly or partly determined by reference to use made of one or more other sub-category B1 machines, no more than £20,000.

<b>D non-money prize (other than crane grab machine or a coin pusher or penny falls machine)</b>	30p	£8
<b>D non-money prize (crane grab machine)</b>	£1	£50
<b>D money prize (other than a coin pusher or penny falls machine)</b>	10p	£5
<b>D combined money and non-money prize (other than coin pusher or penny falls machines)</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D combined money and non-money prize (coin pusher or penny falls machine)</b>	20p	£20 (of which no more than £10 may be a money prize)

## SCHEDULE D

### **Gambling Activities: Children and Young Persons**

A **child** means an individual who is less than 16 years old (section 45(1)).

A **young person** is an individual aged 16 or 17 years old (section 45(2)).

With limited exceptions, the intention of the Gambling Act 2005 is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments.

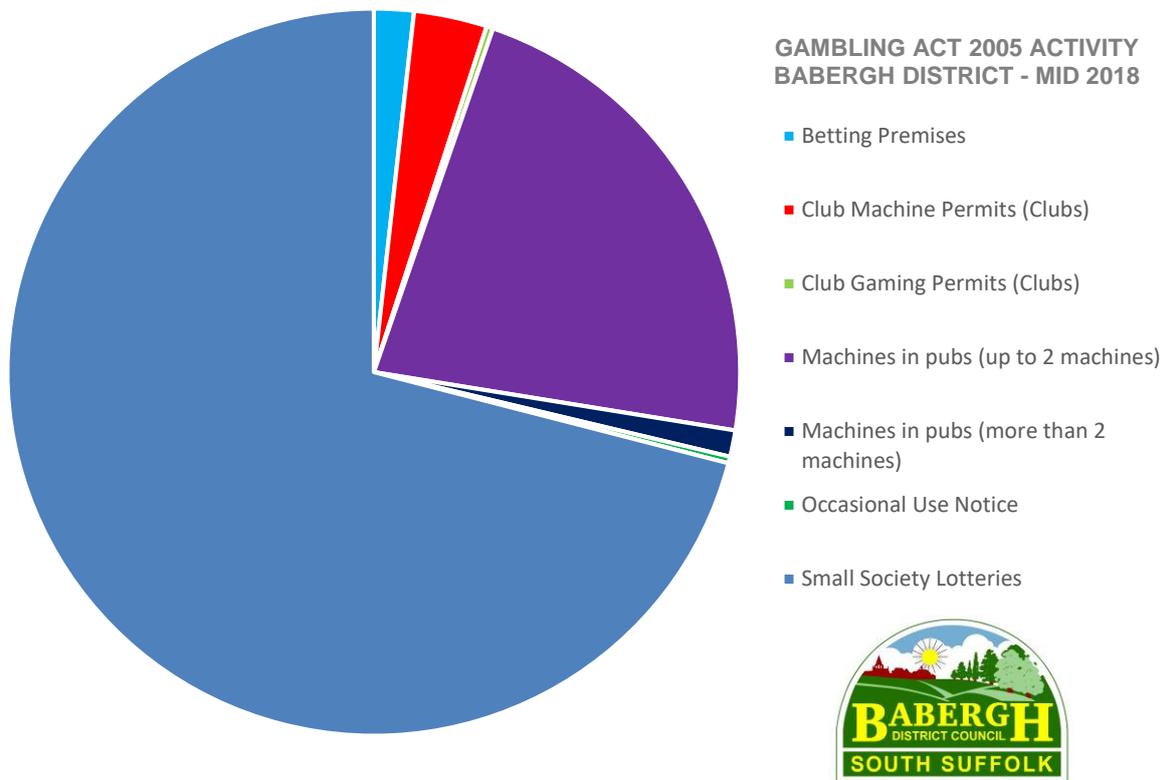
Part 4 of the Gambling Act 2005 states the requirements in relation to protection of children and young persons, principle offences and any exceptions.

## SCHEDULE E

### **Local Area Profile and Risk Assessments**

Licensing authorities are already familiar with a risk-based approach to compliance, and targeting resources and effort where risk is greatest. The local area profile is simply a way of describing a process of gathering and presenting information about a locality and any particular areas of concern within that, to explain and underpin the approach that the licensing authority will apply. It gives clarity to operators as to the licensing authority's view of risk and the relevant factors in its decision making.

The Licensing Authority understands the need for ongoing engagement with other prescribed statutory bodies, defined as Responsible Authorities under the Act. The Licensing Authority will seek to draw upon the expertise and knowledge of responsible authorities and others to ensure its approach is informed by all relevant sources of local knowledge and expertise, when developing local area profiles.



- E1. (a) As of mid-2018 Babergh District Council authorises 6 licensed gambling premises. All are betting premises (non-track) and all in the two main market towns of Sudbury and Hadleigh.
- (b) The majority of non-premises licensed gambling activity in the district relates to notifications and permits for gaming machines, gaming in members clubs and pubs and point-to-point racing authorised by occasional use notices (OUNs). The Licensing Authority also deals with a significant number of enquiries around non-commercial equal chance gaming and enquiries made for activities not requiring any gambling authorisation – subject to limitations. Small society lottery registrations are also a main area of activity (with around 242 registered societies in Babergh mid-2018) mostly for the benefit of (non-private gain) good causes within the district.
- (c) At the time of preparing this edition of the statement of principles there has been no evidence, or intelligence, presented to Babergh District Council to support any assertion that any part of the district had or is experiencing problems from gambling activities. This position will be kept under review and, in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare an area profile accordingly which will identify, quantify and map the vulnerabilities and other relevant features of the local area. The statement of principles may be revised as a consequence.
- (d) Gambling premises have not featured on any night time economy police statistics/hot-spots and the Licensing Authority has received no representations at the time of applications or variations, beyond comments from residents

relating to 'commercial need' or 'demand' for gambling premises (see 1.7 of this statement of principles).

- (e) The Licensing Authority will monitor any local concerns brought to its attention in the future, along with any linked crimes, and/or representations; with a view to identifying areas of concern and mapping vulnerabilities.

E2. (a) The Gambling Commission issue codes of practice under section 24 of the Gambling Act 2005, about the manner in which facilities for gambling are provided to ensure that:

- gambling is conducted in a fair and open way
- children and other vulnerable people are protected from being harmed or exploited by gambling
- assistance is made available to people who are, or may be, affected by problems related to gambling.

(b) Codes of practice are either:

**Social responsibility code provisions** - which must be adhered to by all licence holders; or

**Ordinary code provisions** – these do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

(c) New code provisions covering risk assessments and local authority area profiles are due to come into force in April 2016 (outside of the timeframe of this statement of principles revision). More detail can be found by going to the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

The following are extracts relating to this aspect:

- Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated. For example the proximity of schools, churches, etc. and/or whether the business is located on a walking route for local schools.
- 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 principles.
- Licensees must review (and update as necessary) their local risk assessments:
  - i) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
  - (ii) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - iii) when applying for a variation of a premises licence; and

- iv) in any case, undertake a local risk assessment when applying for a new premises licence.
- (d) For 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.
- (e) Such risk assessments can make reference to the Local Authority Area profile which may be compiled with respect to reported gambling-related problems in an area.

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## Appendix B

### Summary of changes made to Statement of Principles (Fifth Edition) for 2019 to 2022

Amendments made in respect of dates, Guidance reference numbers and Statement of Principles edition throughout this document.

Gamble Aware in the document has been amended to Be Gamble Aware where stated throughout the document.

**New wording is in red below and previous wording is in blue**

#### Preface amendments

The preface now starts with “**Core content of this ‘Gambling Act 2005: Statement of Principles’ has been drafted in partnership.....**” instead of “**This ‘Gambling Act 2005: Statement of Principles’ document has been drafted in partnership.....**”

This change is to show that the core content of this Policy document has been created in partnership with the 7 districts and borough’s in Suffolk and that any new changes have been made by Babergh District Council only.

The second main preface change is to remove reference to the draft fifth edition of the Gambling Commission’s Statutory Guidance as this is now no longer a draft. Delete text “**The Licensing Authority is aware of draft fifth edition Gambling Commission Guidance in the preparation of this document, but this had not been published in a final approved form within the preparation time for the Authority’s statutory statement of principles revision. For further reference please see paragraph 2.6 of this statement of principles document.**”

#### Introduction

The introduction in Part A has been updated with the latest population figures.

The other change in introduction is to show the Council’s new address and also the customer access locations for the viewing of the draft Statement of Principles during consultation period.

#### Interested Parties

Change to 5.2 of the Policy are to include details of Interested Parties living sufficiently closed to the premises. New (iii), (iv) and (v) to reflect the Statutory Guidance in Part 8.

Previous wording

5.2 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. These principles are:

- each case will be decided upon its merits; and
- the Licensing Authority will not apply a rigid rule to its decision making. It may have regard to a number of factors, for example:
  - (i) the size of the premises;
  - (ii) the nature of activities the applicant proposes to provide at the premises; and
  - (iii) guidance from the Gambling Commission that “business interests” should be given the widest possible interpretation (see paragraph 6.25 of the Gambling Commission’s guidance).

#### New wording

5.2 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 (including whether a person lives sufficiently close to the premises). These principles are:

- each case will be decided upon its merits; and
- the Licensing Authority will not apply a rigid rule to its decision making. It may have regard to a number of factors, for example:
  - (i) the size of the premises;
  - (ii) the nature of the premises (including activities the applicant proposes to provide);
  - (iii) the distance of the premises from the location of the person making the representation;
  - (iv) the potential impact of the premises such as the number of customers, route likely to be taken by those visiting the establishment;
  - (v) the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises; and
  - (vi) guidance from the Gambling Commission that “business interests” should be given the widest possible interpretation (see paragraph 8.14 of the Gambling Commission’s guidance).

#### **Exchange of Information**

The only change to exchange of information is to update the Data Protection Act to 2018 instead of 1998

#### **Enforcement**

7.2 now reflect that the Corporate Enforcement Policy is a Joint one between Babergh and Mid Suffolk

7.6 amends the 'Better Regulation Delivery Office' to its new title of 'Office for Product Safety and Standards'

## **1.9 Licensing Objectives (Part B)**

Under 'Ensuring that gambling is conducted in a fair and open way' we have included details of the Authority's role in relation to tracks

"The Licensing Authority's role in relation to tracks will be different from other premises, in that track owners will not necessarily hold an operating licence with the Gambling Commission. In such circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority will have regard to the Gambling Commission's Guidance at Part 20 when considering such matters."

Amendment under Protection Children and other vulnerable persons objective, final bullet point has been amended to include some additional wording "may not be able to make informed or balanced decisions about gambling due to, for example mental health, a learning disability or substance misuse relating to alcohol or drugs" this change brings the bullet point into line with the Statutory Guidance.

## **Conditions**

1.10 - Second Bullet point in the second lot of bullet points entitled "Any conditions attached by the Licensing Authority to a premises licence shall be:" now reads "directly related to the premises (including the locality and any identified local risk) and the type of licence applied for", this change brings the bullet point into line with changes to the Statutory Guidance. Previous wording was "proportionate and directly related to the premises and the type of licence applied for"

Additional wording has been added to the third lots of bullet points, third bullet point now reads "conditions which provide that membership of a club or body cannot be required by attaching a condition to a premises licence (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)" changes are made in red to bring this bullet point into line with the Guidance.

1.14 (b) amendment here to update the body responsible for criminal record checks to the DBS (Disclosure and Barring Service) – This body has also been amended throughout the policy document.

## **Tracks**

9.1 - the section of the Act (S353) has been added for referred as to where tracks are defined under the Act.

9.1 has been split at examples of tracks to a new 9.2 and now reads before the examples "The Act does not give a list of premises that are officially recognised as

'tracks', but there are a number of venues that could be classed as tracks, examples of tracks may include:", this change has been made to reflect the Statutory Guidance.

9.3 The different types of betting facilities – previously showed three types of approval (previously shown as authorisation) Occasional Use Notice, Temporary Use Notice and Track Premises Licence. Temporary Use Notice has been removed to reflect the Statutory Guidance which only states two types of approval at Tracks.

## **Part C**

Club Gaming and Club Machines Permits have been amended to show that only one B3A machines can be made available as part of the entitlement to three machines under these permits. New wording is at 2.1 first bullet point is "make available for use up to 3 gaming machines of categories B3A to D (only one B3A can be made available as part of this entitlement).

New wording at 3.1 Members' Clubs and Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B3A to D (only one B3A can be made available as part of this entitlement (Members clubs and Miner's welfare institutes only (i.e. not commercial clubs)). Previous worded as Members' Clubs and Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B4, C and D. Members' clubs and Miner's Welfare Institutes only may also make available for use category B3A machines offering lottery games in the club under a club machine permit. This amendment reflects the Statutory Guidance and Statutory Instruments.

(Alcohol) Licensed Premises Gaming Machine Permits at 4.1 bullet point 2 the example has been amended to the reflect the updated example in the Guidance, and now reads "gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines" previous wording 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".

**From:** East Bergholt Parish Council <east.bergholtpc@btconnect.com>  
**Sent:** 25 September 2018 10:45  
**To:** BMSDC Licensing Team  
**Subject:** Consultation - Gambling Act 2005

Dear Licensing Team

I refer to your correspondence dated the 29<sup>th</sup> August 2018 relating to the consultation on the Gambling Act 2005.

The Parish Council has considered the details and makes the observation that having reviewed the document all that the Parish Council could see of any relevance was section 7 on Society Lotteries which contained nothing new or of interest to the Parish.

: <https://www.babergh.gov.uk/assets/Licensing/Draft-BDC-Statement-of-Principles-2019-22.pdf>

Many thanks.

With kind regards.

Susan

Susan Clements Assoc. CIPD FSLCC (CiLCA)  
Parish Clerk  
East Bergholt Parish Council  
c/o 29 Castle Road  
Hadleigh  
Suffolk  
IP7 6JP

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**From:** Bridget Chamberlain <bridget@berewykhall.co.uk>  
**Sent:** 01 September 2018 15:02  
**To:** BMSDC Licensing Team  
**Subject:** Gambling Act 2005 - Statement of Principles  
**Categories:** Yellow Category

Dear Sirs,

This is just to acknowledge that I have received your letter of 29th August and have gone online and read your Statement of Principles relating to the Gambling Act 2005.

The Essex & Suffolk Point to Point committee are happy with these principles and ensure that they are complied with at the three meetings that we hold at Higham each year. We would further like to point out that we are governed and regulated by the British Horseracing Association and the British Horseracing Levy Board which oversee all horseracing in the United Kingdom. I also have to apply to them for a licence to operate annually.

Yours sincerely  
Bridget Chamberlain  
Secretary Higham P2P

**From:** Catherine Sweet <catherine.sweet@gamcare.org.uk>  
**Sent:** 03 September 2018 16:21  
**To:** BMSDC Licensing Team  
**Subject:** Gambling Act 2005: Statement of Principles (Revision)

Hello,

Thank you for your letter regarding the above consultation, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see [www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/](http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/)
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact [mike.kenward@gamcare.org.uk](mailto:mike.kenward@gamcare.org.uk)

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,  
Catherine

**Catherine Sweet**  
**Head of Marketing and Communications**  
T: 020 7801 7028  
E: [catherine.sweet@gamcare.org.uk](mailto:catherine.sweet@gamcare.org.uk)



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**From:** Matthew Taylor <Matthew.Taylor@racecourseassociation.co.uk>  
**Sent:** 06 September 2018 10:53  
**To:** BMSDC Licensing Team  
**Subject:** Revision of Statement of Gambling Licensing Policy - Consultation

Dear Licensing Team

**Revision of Statement of Gambling Licensing Policy - Consultation**

Thank you for your letter regarding the Draft Statement of Gambling Principles for Babergh District Council.

We would advise you that we have no venues in your area, and therefore will not be responding to your document.

Kind Regards

Matthew  
**Matthew Taylor**  
**Racecourse Services Executive**



M +44 (0)7969 093824  
T +44 (0)1344 873536  
Winkfield Road, Ascot, Berkshire SL5 7HX  
[www.racecourseassociation.co.uk](http://www.racecourseassociation.co.uk)

A green banner with a repeating pattern of small white circles. On the left, the text 'RACECOURSE' is above a horizontal line, with 'GROUNDSTAFF AWARDS' in large white letters below. On the right, the RCA logo is above the text 'PARTNERED BY', followed by three logos: 'WF wattfences', 'PC pitchcare.com™ Serving The Turfcare Industry', and 'FORNELLS'.

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The RCA Registered Office Address is:  
The Racecourse Association Limited  
Winkfield Road  
Ascot  
Berkshire  
SL5 7HX  
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**From:** John Lambert  
**Sent:** 03 September 2018 17:41  
**To:** BMSDC Licensing Team  
**Subject:** Statement of Principles consultation

Hiya, I have received your invitation to comment on your draft Gambling Act 2005 Statement of Principles, from a Social Care perspective.

My comments arise particularly from my responsibilities for the Housing Related Support programme which offers support for homeless or potentially homeless and marginalised adults, but my comments would be appropriate for all vulnerable adults. Within the draft Statement, you are clear that Children and Vulnerable People need to be protected from being harmed or exploited by gambling. This is a recurring principle across the statement – whether for gaming machines, casinos, betting premises, track premises or other.

However, the Statement says little about expectations in these areas – applicants should be asked to demonstrate how such people will be protected, beyond the provision of information leaflets/helplines – and even here the Statement only uses this as an example that may be included. Equally, under para 6.5 there are expectations that staff will have the ability to “monitor the use of machines by .....vulnerable people”, but the Statement says nothing about appropriate training, or understanding of how staff should be able to recognise such vulnerability, and what your expectations as a Licensing Authority would be in these areas.

I hope these comments are helpful, but am happy to discuss in more detail if you need.

Best wishes,

John

Contracts and Service Development Manager  
Adult & Community Services  
Suffolk County Council  
Endeavour House  
Russell Road  
Ipswich IP1 2BX  
Tel 01473 264439; 07717302391  
e mail: [john.lambert@suffolk.gov.uk](mailto:john.lambert@suffolk.gov.uk)



## BABERGH DISTRICT COUNCIL

### CONSULTATION LIST FOR LICENSING ACT 2003 & GAMBLING ACT 2005 POLICY REVISIONS

1. All existing premises/club licence holders
2. Capel St Mary Library
3. Glemsford Library
4. Great Cornard Library
5. Hadleigh Library
6. Lavenham Library
7. Long Melford Library
8. Sudbury Library
9. Woolverstone Parish Council
10. Wherstead Parish Council
11. Whatfield Parish Council
12. Wenham Parva Parish Meeting
13. Wenham Magna Parish Meeting
14. Wattisham Parish Council
15. Thorpe Morieux Parish Council
16. Tattingstone Parish Council
17. Sudbury Town Council
18. Stutton Parish Council
19. Stratford St Mary Parish Council
20. Stanstead Parish Council
21. Sroughton Parish Council
22. Shotley Parish Council
23. Shelley Parish Council
24. Semer Parish Council
25. Preston St Mary Parish Council
26. Pinewood Parish Council
27. Nedging -with-Naughton Parish Council
28. Milden Parish Meeting
29. Long Melford Parish Council
30. Mrs Vicky Waples (Lindsey & Monks Eleigh)
31. Mrs D Hattrell (Boxford, Leavenheath & Nayland-with-Wissington)
32. Mrs A Robinson (Edwardstone, Groton & Stoke By Naynad)
33. Mr Dave Crimmin (Assington, Chilton, G Waldingfield, L Cornard, L Waldingfield, Newton & Polstead)
34. Mrs Samantha Barber (Burstall, Chattisham & Hintlesham and Belstead)
35. Mrs J Cryer (Layham & Raydon)
36. Lawshall Parish Council
37. Lavenham Parish Council
38. Kettlebaston Parish Council
39. Kersey Parish Council
40. Holton St Mary Parish Council

41. Holbrook Parish Council
42. Hitcham Parish Council
43. Higham Parish Meeting
44. Hartest Parish Council
45. Harkstead Parish Council
46. Hadleigh Town Council
47. Great Cornard Parish Council
48. Glemsford Parish Council
49. Freston Parish Council
50. Erwarton Parish Council
51. Elmsett Parish Council
52. East Bergholt Parish Council
53. Copdock and Washbrook Parish Council
54. Cockfield Parish Council
55. Chelsworth Parish Meeting
56. Chelmondiston Parish Council
57. Capel St Mary Parish Council
58. Bures St Mary Parish Council
59. Brettenham Parish Council
60. Brent Eleigh Parish Council
61. Brantham Parish Council
62. Boxted Parish Council
63. Bildeston Parish Council
64. Bentley Parish Council
65. Alpheton Parish Council
66. Aldham Parish Council
67. Acton Parish Council
68. H M Revenues and Customs
69. Suffolk Constabulary
70. Gambling Commission
71. Planning Control Division
72. Environmental Health Department
73. Chief Fire Officer
74. National Stud
75. South Suffolk Home Start
76. The National Casino Industry Forum
77. The Lotteries Council
78. Suffolk County Council
79. Suffolk Adult Safeguarding Board
80. Suffolk Safeguarding Children's Board
81. Society for Study of Gambling Secretary
82. Select Gaming
83. Racecourse Association Ltd
84. Orwell Mencap
85. National Youth Agency
86. National Association of Bookmakers Ltd
87. Narcotics Anonymous
88. Mencap Suffolk
89. Learning Disability Partnership Board
90. Independent Betting Adjudication Service
91. Horse Race Betting Levy Board
92. Greyhound Board of Britain

93. Gordon Moody Association
94. Gamestec Leisure Ltd
95. GamCare
96. Gamblers Anonymous
97. Gamble Aware
98. Essex Leisure
99. Crown Leisure
100. Citizens Advice Bureau
101. Chilvers Automatics Ltd
102. Casino Operators Association UK
103. British Horseracing Authority
104. British Association of Leisure Parks, Piers & Attractions Ltd
105. Bingo Association
106. BACTA
107. Association of British Bookmakers Ltd
108. Alcoholics Anonymous
109. Age UK Suffolk
110. Age UK
111. ADFAM Families Drugs and Alcohol

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