



## AGENDA

### EXTRAORDINARY LICENSING ACT 2003 COMMITTEE MEETING

Date: Thursday, 1 July 2021

Time: 6.30 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT\*

Membership:

Councillors Cameron Beart, Derek Carnell (Chairman), Roger Clark, Richard Darby, Simon Fowle, Tim Gibson, Carole Jackson, Peter Macdonald, Lee McCall, Hannah Perkin, Ken Rowles, Paul Stephen, Tim Valentine, Mike Whiting and Tony Winckless (Vice-Chairman)

Quorum = 3

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Pages

#### Information for the Public

\*Members of the press and public may follow the proceedings of this meeting live via a weblink which will be published on the Swale Borough Council website.

Link to meeting: to be added

#### 1. Emergency Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary Interests (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the meeting while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

**Part B Report for the Licensing Act 2003 Committee to decide**

4. Review of Gambling Act Statement of Principles

5 - 70

**Issued on Monday, 21 June 2021**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Licensing Act 2003 Committee, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

**Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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| <b>Licensing Act 2003 Committee Meeting</b> |   |
|---|---|
| <b>Meeting Date</b>                         | 1 <sup>st</sup> July 2021   |
| <b>Report Title</b>                         | Draft Statement of Principles for Gambling Act 2005   |
| <b>Cabinet Member</b>                       | Councillor Richard Palmer, Cabinet Member for Community   |
| <b>SMT Lead</b>                             | Nick Vickers, Chief Financial Officer   |
| <b>Head of Service</b>                      | Della Fackrell, Resilience and Licensing Manager  |
| <b>Lead Officer</b>                         | Christina Hills, Licensing Officer  |
| <b>Key Decision</b>                         | No  |
| <b>Classification</b>                       | <b>Open</b>   |
| <b>Recommendations</b>                      | <ol style="list-style-type: none"> <li>1. Members to endorse the contents of the report and instruct officers to proceed with the review process</li> <li>2. Members to instruct officers to undertake a seven week consultation on the proposed revised Statement of Principles for Gambling 2022 - 2025, attached as <b>Appendix I</b></li> <li>3. To accept a further report after the conclusion of the consultation period where Members will consider any comments made prior to formally recommending the revised Statement of Licensing Principles for Gambling for adoption by full Council</li> </ol> |

## 1 Purpose of Report and Executive Summary

- 1.1 The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Principles for Gambling Act 2005 policy. The existing Statement of Principles was published in January 2019 and is due for renewal by January 2022.
- 1.2 This report is to apprise Members of the proposed methodology to be followed in reviewing the Statement of Principles.

## 1 Background

- 2.1 Swale Borough Council (the Council) is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act). The Council is required to produce

- a 'Statement of Licensing Principles for Gambling' to demonstrate how applications received under the Act will be dealt with.
- 2.2 Section 153 of the Act requires that when exercising functions under the Act the Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority thinks it is in accordance with:
- a) any relevant code of practice;
  - b) any relevant guidance issued by the Gambling Commission;
  - c) is consistent with the licensing objectives (subject to a and b above), and;
  - d) the statement published by the authority under s.349 (Statement of Principles for Gambling).
- 2.3 The gambling objectives are:
- i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
  - ii) ensuring that gambling is conducted in a fair and open way and
  - iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.4 The Gambling Commission 5<sup>th</sup> edition Guidance (as amended) recommends a number of changes for local authorities that fall under three broad themes:
- a) increased focus on risk and regulation
  - b) greater attention to local risk; and
  - c) encouraging partnership and collaboration between stakeholders to mitigate risk
- 2.5 In particular the Commission recommends that local authorities create new and unique localised policies and also carry out an assessment of their local environment called a 'Local Area Profile' (LAP) to identify the local risk of gambling-related harm and to inform the Policy. Risk in this context includes potential and actual risk and can take into account possible future and emerging risks.
- 2.6 Completion of a LAP is not compulsory however it is recognised that there are significant benefits for both the Council and operators, in having a better awareness of the local area in relation to gambling-related risks. However, the creation of a LAP is dependent on information and knowledge of the local area and knowledge of the impact gambling may have. Officers have carried out an assessment to identify the areas of concern and intend to publish a LAP separate to this Policy document. The reason for this is it will enable the LAP to be kept under regular review so that if amendments are considered necessary they can be made without the necessity of amending the full Policy.
- 2.7 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) formalise the need for operators to consider local risks.

- 2.8 Premises licence holders are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the Statement of Principles and any published Local Area Profile.

### **3 Proposals**

- 3.1 A draft Statement of Licensing Principles has been prepared using a model template as recommended by the Gambling Commission. This is shown as **Appendix I**.

### **4 Available Options**

- 4.1 It is a statutory requirement for the Council to have a current Statement of Licensing Principles in place covering the principles for its functions under the Act. The Authority is required to have an up to date policy and therefore should incorporate the 5th edition (as amended) of the Gambling Commissions Guidance.

### **5 Consultation Undertaken or Proposed**

- 5.1 It is proposed to undertake a 6 week consultation which will run from 5th July 2021 until 13<sup>th</sup> August 2021. Methods of consultation will be by advertising on the Council's website and in a local newspaper, by emails, post and social media.
- 5.2 The Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Licensing Authority Statement of Principles.
- 5.3 The Guidance further advises that, whilst licensing authorities will develop their own practices, they may like to consider consultation with faith groups, voluntary and community organisation working with children and young people, organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations such as the Citizens Advice Bureau.
- 5.4 Proposed consultees will therefore be:
- All Councillors
  - Parish Councils
  - Kent Police
  - Kent Fire and Rescue
  - Kent County Council Trading Standards

- Gambling Commission
- Swale BC Planning Department
- Swale BC Environmental Health Department
- HM Revenue and Customs
- Children’s Safeguarding Services
- Relevant trade associations
- Any Premises Licence holders issued by Swale Borough Council
- Any Permit holders issued by Swale Borough Council
- Any Small Lottery Licence issued by Swale Borough Council
- GamCare
- Gamblers Anonymous UK
- NHS Swale CCG
- Samaritans
- Citizen Advice Bureau
- Responsible Gambling Trust

5.5 All incoming responses will be entered onto a grid for consideration. The Resilience and Licensing Manager together with licensing officers will conduct an evaluation of each response and give a recommendation as to whether or not to amend the policy statement. The grid and recommendations will be put before the Licensing Act 2003 Committee for endorsement at its meeting of 9<sup>th</sup> September 2021 prior to formal adoption by full Council on 10<sup>th</sup> November 2021.

## 6 Implications

| Issue                            | Implications   |
|----------------------------------|--|
| Corporate Plan                   | <p>Making Swale a better place</p> <p>A Council to be proud of</p>   |
| Financial, Resource and Property | <p>Under the Act, the council has the power to recover its costs and set fees and charges at such a level that the process is cost neutral to the Council. There is however a statutory maximum fee that can be set for every licence type under the Act.</p> <p>The financial implications associated with the revision of the Statement of Principles will be financed from the Licensing budget.</p> <p>If at any time in the future the policy was subject to legal challenge, there could be costs associated with this process</p> |
| Legal and Statutory              | <p>Section 349(1) of the Act requires each licensing authority to prepare and publish a Statement of Principles to cover each period of three years.</p> <p>In preparing a Statement of Principles the regulations require licensing authorities to publish a notice of intention to publish a statement. The notice must:</p>   |



|                                       |  |
|---------------------------------------|--|
|                                       | <ul style="list-style-type: none"> <li>• specify the date on which the statement is to be published</li> <li>• specify the date on which the statement will come into effect</li> <li>• specify the internet address where the statement will be published and the address of the premises at which it may be inspected</li> <li>• be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect: <ul style="list-style-type: none"> <li>• a local newspaper circulating in the area covered by the statement</li> <li>• a public notice board in or near the principal office of the authority</li> <li>• a public notice board on the premises of public libraries in the area covered by the statement</li> </ul> </li> </ul> |
| Crime and Disorder                    | <p>Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Councils duties under Section 17 of the Crime and Disorder 1998 in that the objectives of the Act are:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime</li> <li>• Ensuring that gambling is conducted in a fair and open way</li> <li>• Protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul>   |
| Environmental Sustainability          | No implications  |
| Health and Wellbeing                  | No implications  |
| Risk Management and Health and Safety | It is important that Swale BC has a robust and accountable regulatory regime in relation to gambling in order to ensure fair trading, prevent crime and to protect consumers.  |
| Equality and Diversity                | The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.   |
| Privacy and Data Protection           | Normal data protection and privacy rules will apply.   |

## **7 Appendices**

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

- **Appendix I:** Draft Statement of Principles for Gambling 2022 - 2025

## **8 Background Papers**

Gambling Act 2005

Gambling Commission Guidance to licensing authorities

Gambling Commission's Licence Conditions and Codes of Practice (LCCP)

# Swale Borough Council



## Statement of Principles for Gambling

Section 349 of the Gambling Act 2005

Version 0.1

Effective 1<sup>st</sup> February 2022

Next scheduled review: 31<sup>st</sup> January 2025

All enquiries relating to this document should be sent to:

Licensing

Swale Borough Council

Swale House

East Street

Sittingbourne

ME10 3HT

[Licensing@swale.gov.uk](mailto:Licensing@swale.gov.uk)

## Issue & Review Register

| Summary of changes | Issue number & date | Approved by  |
|--------------------|---------------------|--|
| Draft Policy       | V0.1                | Presented to General Licensing Committee 1 <sup>st</sup> July 2021 |
|                    |                     |  |

All changes to this document are tracked using a different colour and/or marked with a vertical line at the side of the page.

If amendments have been made, this will be redistributed to all named on the distribution list.

Compiled by: Christina Hills, Licensing Officer

Date: July 2021

Approved by: General Licensing Committee

Date:

### **Changes and Corrections**

Any changes or corrections required should be notified in writing to:

Licensing

Swale Borough Council

Swale House

East Street

Sittingbourne

ME10 3HTOr

Or:

[licensing@swale.gov.uk](mailto:licensing@swale.gov.uk)

# Swale Borough Council’s Statement of Principles for Gambling

## Table of Contents

**CHAPTER ONE .....5**

**INTRODUCTION AND OVERVIEW .....5**

DEFINITIONS USED IN THIS POLICY .....5

INTRODUCTION.....5

RESPONSIBLE AUTHORITIES.....7

INTERESTED PARTIES .....9

GEOGRAPHICAL AREA COVERED BY THIS STATEMENT OF PRINCIPLES.....10

LIST OF BODIES CONSULTED ON THIS STATEMENT OF PRINCIPLES.....10

EXCHANGE OF INFORMATION .....10

ENFORCEMENT .....11

THE COUNCIL’S FUNCTIONS.....13

DUPLICATION WITH OTHER REGULATORY REGIMES .....14

GAMBLING PREVALENCE AND PROBLEM GAMBLING .....14

**CHAPTER TWO.....15**

**WELCOME TO THE BOROUGH OF SWALE.....15**

GENERAL DESCRIPTION .....15

**CHAPTER THREE.....17**

**LICENSING OBJECTIVES AND LOCAL AREA RISK ASSESSMENTS .....17**

RISK ASSESSMENT .....17

PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER, BEING ASSOCIATED WITH CRIME OR DISORDER OR BEING USED TO SUPPORT CRIME .....19

ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY.....20

PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS FROM BEING HARMED OR EXPLOITED BY GAMBLING .....21

**CHAPTER FOUR.....23**

**PREMISES LICENCES .....23**

SPLIT PREMISES .....24

ACCESS TO PREMISES.....26

PLANS .....27

GENERAL REQUIREMENTS FOR ALL PREMISES .....28

CASINOS .....29

BINGO.....29

BETTING PREMISES .....31

BETTING TRACKS AND OTHER SPORTING VENUES .....32

ADULT GAMING CENTRES (AGC’S) .....35

FAMILY ENTERTAINMENT CENTRES (FEC’S).....36

DOOR SUPERVISORS .....37

PROVISIONAL STATEMENTS.....37

REVIEWS .....38

|   |           |
|---|-----------|
| <b>CHAPTER FIVE .....</b>   | <b>40</b> |
| <b>TRAVELLING FAIRS AND PERMITS .....</b>                           | <b>40</b> |
| TRAVELLING FAIRS .....  | 40        |
| PERMITS.....  | 40        |
| UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS ..... | 42        |
| AUTOMATIC ENTITLEMENT TO TWO GAMING MACHINES .....                  | 43        |
| PERMIT FOR THREE OR MORE GAMING MACHINES .....                      | 44        |
| PRIZE GAMING PERMITS.....   | 45        |
| CLUB GAMING AND CLUB MACHINE PERMITS.....                           | 46        |
| <b>CHAPTER SIX.....</b>   | <b>49</b> |
| <b>NOTICES.....</b>   | <b>49</b> |
| TEMPORARY USE NOTICES .....   | 49        |
| OCCASIONAL USE NOTICES .....  | 49        |
| <b>CHAPTER SEVEN.....</b>   | <b>51</b> |
| <b>SMALL SOCIETY LOTTERIES.....</b>                                 | <b>51</b> |
| DEFINITION OF LOTTERY .....   | 51        |
| <b>APPENDIX ONE .....</b>   | <b>57</b> |
| <b>CONSULTATION.....</b>  | <b>57</b> |
| <i>Appendix Two.....</i>  | <i>58</i> |
| <i>Map of the Area Covered by this Statement of Principles.....</i> | <i>58</i> |

# Chapter One

## Introduction and Overview

This Policy document includes the Statement of Principles for Gambling of the Swale Borough Council effective from 1 February 2019.

### Definitions Used in this Policy

- **‘the Act’** means the Gambling Act 2005
- **‘the Council’** means Swale Borough Council
- **‘the Commission’** means the Gambling Commission established under the Gambling Act of 2005
- **‘the Guidance’** means the guidance issued to Licensing Authorities published by the Gambling Commission, regarding the role and responsibilities of licensing authorities in gambling regulation.
- **‘Licensing Authority’** means the Licensing Department or Licensing Committee operating on behalf of Swale Borough Council.
- **‘Licensing Committee’** refers to the Committee of Swale Borough Council to consider overarching licensing matters
- **‘licensable activities’** means those activities that are required to be licensed by the Council under the Gambling Act 2005
- **‘Licensing Sub Committee’** refers to a Sub Committee of the Licensing Committee to consider licence applications
- **‘relevant representations’** means a representation conforming to the legal requirements of the Gambling Act 2005
- **‘Regulations’** refers to Regulations under the Gambling Act 2005 issued by the Secretary of State
- **‘responsible authority’** means the bodies designated under the Gambling Act 2005 and described in the Introduction to this Statement of Principles
- **‘the Statement’** refers to this Statement of Principles for Gambling

### Introduction

1. Under Section 349 of the Gambling Act 2005, the Council is required to publish a Statement of Principles it proposes to apply when exercising its functions under the Act. The form of the Statement of Principles is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007 and further guidance on what should be contained in the Statement of Principles can be found in the Gambling Commission’s Guidance to Licensing Authorities.
2. The Licensing Authority is required by virtue of section 153 of the Gambling Act 2005 to aim to permit gambling in so far as it is (a) in accordance with the Gambling Commission’s Licence Conditions and Codes of Practice; (b) in accordance with the Gambling Commission’s Guidance to Licensing Authorities that is in effect at the time the application is considered; (c)

reasonably consistent with the licensing objectives and (d) in accordance with this Statement of Principles.

3. The Gambling Commission issues Licence Conditions and Codes of Practice for gambling operators. Social Responsibility Codes have the force of a licence condition. The Gambling Commission also issue Ordinary Codes, which set out best industry practice. They are not licence conditions, but operators are expected to follow them unless they have alternative arrangements in place which they can demonstrate are equally as effective.
4. The Licensing Authority, when carrying out inspections of gambling operators, reserves the right to assess compliance with such matters set out in the Gambling Commission's Licence Conditions and Codes of Practice as it sees fit, and will share intelligence with the Gambling Commission about any issues of non-compliance in this respect.
5. The licensing objectives under the Gambling Act 2005 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.
6. The Council consulted widely upon this revised Statement of Principles from 5<sup>th</sup> July 2021 until 20<sup>th</sup> August 2021. A list of persons consulted on the revised Statement can be found at Appendix One..
7. The Act requires the following to be consulted in the revision of the statement:
  - the Chief Officer of Police;
  - people and bodies representing the interests of persons in gambling businesses in the area;
  - People and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
8. Nothing in this policy overrides the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.
9. In reviewing this Statement of Principles, the Council has had regard to the licensing objectives under the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and to the responses arising from our consultation.



## Responsible Authorities

10. The Council 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 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 Council's area; and
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
11. The Council designates Child Protection Agency to advise on the protection of children from harm under the Gambling Act 2005.
12. The full list of Responsible Authorities for Swale Borough Council are as follows:

**Licensing Co-ordinator, North Division,**  
Medway Police Station,  
Purser Way,  
Gillingham,  
Kent ME7 1NE  
[licensing.north.division@kent.pnn.police.uk](mailto:licensing.north.division@kent.pnn.police.uk)

**Maidstone Group Fire Safety Office,**  
Maidstone Fire Station,  
Loose Road, Maidstone,  
ME15 9QB  
[enquiries@kent.fire-uk.org](mailto:enquiries@kent.fire-uk.org)

**Environmental Pollution,**  
Swale Borough Council,  
Swale House,  
East Street, Sittingbourne,  
Kent, ME10 3HT  
[pollution@swale.gov.uk](mailto:pollution@swale.gov.uk)

**Planning Department,**  
Swale Borough Council,  
Swale House,  
East Street, Sittingbourne,  
Kent, ME10 3HT  
[areateam-fav@swale.gov.uk](mailto:areateam-fav@swale.gov.uk)  
or [areateam-sitt@swale.gov.uk](mailto:areateam-sitt@swale.gov.uk)

**Child Protection Agency,**  
Brenchley House,  
County Hall,  
Maidstone, Kent, ME14 1RF

**The Gambling Commission**  
Victoria Square House  
Victoria Square  
Birmingham B2 4PB  
[info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

**HM Revenue and Customs**  
National Registration Unit  
Portcullis House  
21 India Street  
Glasgow G2 4PZ  
[nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

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## Interested Parties

13. Interested parties are persons who may make representations to applications or apply to the Council for the review of an existing licence. These parties are defined in section 158 of the Act as a person who:
  - (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - (b) has business interests that might be affected by the authorised activities, or
  - (c) Represents persons who satisfy paragraph (a) or (b).
14. When determining whether a person is an interested party for the purposes of the Act, the Licensing Authority will not apply rigid rules but will treat each case on its merits.
15. In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account:
  - the size of the premises
  - the nature of the premises
  - the distance of the premises from the habitual residence or workplace of the person making the representation
  - the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
  - the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
16. In determining whether a person or organisation "has business interests" the authority will adopt the widest possible interpretation and include trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
17. The Licensing Authority will regard bodies such as trade associations, trade unions, residents' and tenants' associations and professional advisors such as solicitors, barristers and consultants as capable of representing interested parties where they are satisfied that the interested party has asked for representation.
18. In principle, the Licensing Authority will allow any person to represent an interested party but will seek confirmation that the person genuinely represents the interested party. We will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' an interested party. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required so long as they represent the area likely to be affected.

19. If individuals wish to approach Councillors to ask them to represent their views those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Service for advice.

## Geographical Area Covered by this Statement of Principles

20. A map showing the geographical area covered by this Statement of Principles can be viewed at Appendix Two.

## List of Bodies Consulted on this Statement of Principles

British Amusement Catering Trade Association (BACTA)  
Association of British Bookmakers  
Gamble Aware  
The Gambling Commission  
List all responsible authorities consulted  
Operators of Betting Premises licenced by Swale Borough Council  
Operators of Adult Gaming Centres licenced by Swale Borough Council  
Operators of Family Entertainment Centres licenced by Swale Borough Council  
Operators of Bingo Premises licenced by Swale Borough Council  
Holders of Gaming Machine Permits licenced by Swale Borough Council  
Holders of Club Gaming Permits licenced by Swale Borough Council  
Holders of Club Machine Permits licenced by Swale Borough Council  
Swale Borough Council Councillors  
Parish Councils  
Gamblers Anonymous UK  
NHS Swale CCG  
Samaritans  
Citizen Advice Bureau  
Responsible Gambling Trust

## Exchange of Information

21. The Council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission.
22. Section 29 of the Gambling Act 2005 enables the Gambling Commission to require information from licensing authorities (including the manner in which it is compiled, collated and the form in which it is provided), provided that it:
  - forms part of a register maintained under the Gambling Act 2005;
  - is in the possession of the Licensing Authority in connection with a provision under the Gambling Act 2005.

23. Section 350 of the Gambling Act 2005 allows licensing authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. These persons or bodies are:
- A constable or Police force
  - An enforcement officer
  - A licensing authority
  - HMRC
  - The First Tier Tribunal
  - The Secretary of State
  - Scottish Ministers
24. Information requests from such parties should be made to the Licensing Authority in writing, setting out clearly what information is required and the reason the information is required. The requirements of the Data Protection Act 2018 and the General Data Protection Regulations 2018 will be complied with. Freedom of Information requests can be made by emailing [foi@swale.gov.uk](mailto:foi@swale.gov.uk) or in writing to Freedom of Information, Swale Borough Council, Swale House, East Street, Sittingbourne, Kent ME10 3HT.
25. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to local authorities as well as any relevant regulations issued by the Secretary of State under the powers provided for in the Act.

## Enforcement

26. The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to business to achieve compliance.
27. Inspections will be carried out on a risk rated basis. New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating.
28. Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include project work, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach to managing the gambling industry is to prevent problems from occurring before they begin.
29. However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing

compliance. To this end the following enforcement options are available to the Licensing Authority:

- verbal or written advice
  - verbal warning
  - written warning
  - mediation between licensees and interested parties
  - licence review
  - simple caution
  - prosecution
30. These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances.
31. The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.
32. The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises Licence. To achieve this, the Licensing Authority will inspect premises, meet with licence holders and carry out general monitoring of areas as necessary.
33. Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.
34. The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Kent and Medway Licensing Compliance and Enforcement Protocol.
35. Before deciding which course of action to take, the Licensing Authority shall consider the following matters:
- the history of the premises
  - the history of the offender
  - the circumstances of the offence
  - whether the offender has a statutory defence to the allegations
  - the impact or potential impact of the breach on the public
  - the quality of the evidence against the offender
  - the likelihood of achieving success in a prosecution
  - the likely punishment that will be incurred if the case goes to Court

- whether the course of action proposed is likely to act as a deterrent
36. The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. This includes, in particular:
- Every person is entitled to the peaceful enjoyment of his possessions – a licence is a possession in law and persons may not be deprived of their possessions except where it is in the public interest;
  - Every person is entitled to a fair hearing.
37. The Licensing Authority is committed to the principles of good regulation as set out in the Regulators Code. This means our inspection and enforcement activities will be carried out in a way that is:
- Proportionate: only intervening when necessary. Remedies will be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: able to justify our decisions, and be subject to public scrutiny;
  - Consistent: implementing rules and standards fairly in a joined-up way;
  - Transparent: acting in open way, and keeping conditions placed on Premises Licences simple and user friendly; and
  - Targeted: focusing on the problems, and aiming to minimise the side effects.

## The Council's Functions

38. Councils, when acting as Licensing Authorities are required under the Act to:
- license premises where gambling activities are to take place by issuing Premises Licences
  - issue Provisional Statements
  - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
  - issue Club Machine Permits to commercial clubs
  - grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
  - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
  - issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
  - register small society lotteries below the prescribed thresholds
  - issue Prize Gaming Permits
  - receive and endorse Temporary Use Notices
  - receive Occasional Use Notices for betting at tracks
  - provide information to the Gambling Commission regarding details of

- licences, permits and other permissions issued
  - maintain registers of the permits and licences that are issued under these functions.
39. Councils are not involved in licensing online gambling, which is the responsibility of the Gambling Commission.

## Duplication with Other Regulatory Regimes

40. The Licensing Authority will seek to avoid duplication with other statutory and regulatory regimes where possible, including planning. The Licensing Authority will not consider planning permission or building regulations approval when making decisions under the Gambling Act. Nor will it regard the granting of a licence, permit or permission as fettering the Council's ability to consider planning applications independently on their planning merits.

## Gambling Prevalence and Problem Gambling

41. Gambling behaviour is increasingly a subject of public health and policy interest. The Gambling Commission regularly collect data on gambling both in terms of information about the consumer and about the method and frequency with which they gamble.
42. The Gambling Commission collect participation data through quarterly surveys and problem gambling data from the Health survey for England and monitor underage gambling using their young person's survey.
43. 63% of adults (16+) in Great Britain gamble between 2016-2017, with men (66%) being more likely than woman (59%). The most popular gambling activities were the National Lottery (46%), scratchcards (23%) and other lotteries (15%). Excluding those who only play the National Lottery, just under half of adults (45%) participated in other type of gambling activity; 49% of men and 42% of women. For both men and woman, overall participation was highest amongst the middle age groups and lowest among the youngest and oldest groups. Excluding those who played the National Lottery, gambling participation was highest amongst younger adults (20s – 30s).
44. Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. Problem gamblers often say they feel isolated. There is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities. There is often reluctance amongst gamblers to spend money on items of clothing, household goods or utility bills as this expenditure is often seen as funds for gambling. Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling habits. This can lead to lifelong consequences with criminal convictions.



## Chapter Two

### Welcome to the borough of Swale

This section gives a description of Swale Borough Council

#### General Description

Swale is the bridging point between north and east Kent, named after the narrow channel of tidal water between mainland Kent and the Isle of Sheppey. It is close both to London and mainland Europe and well connected to the national motorway network. It is a Borough of some 140,800 people who primarily live in its three main towns, Sittingbourne, Faversham and Sheerness.

Sittingbourne (population 49,300) is the main town, acting as a population, employment and service centre for the Borough. These functions and the town's present day character have their roots in past travellers and pilgrims and the industries that settled there.

Faversham (population 19,600) is an attractive and historic small market town at the centre of a rich farming hinterland. Faversham and Oare are located at the head of two creeks and surrounded by attractive countryside. The town is best known for its continued links with brewing and food. This and the town's industrial and maritime heritage produce its present day character - an outstanding range of historic buildings, streets and waterways and a town centre with strong independent retail and service sector.

A unique feature within Kent is the Isle of Sheppey, separated from the mainland by the Swale. Its main town is Sheerness (population 12,500). It owes much of its distinctiveness to its role as a traditional seaside town and the past and present industries that established there, particularly the former naval dockyard and the current Port facility. The town centre functions as the main shopping and service centre for the Island's residents and visitors.

Population growth in Swale has, and continues to be, largely fuelled by those who move here, but its indigenous population is ageing and the death rate is higher than both the Kent and the South East average. The expanding urban populations are largely as a result of migration into the area by younger people and families. This younger population brings with it a rising birth rate which partly offsets the older age groups and the impacts of an ageing population, as well as helping to maintain the population of working age. Some 58% of the population are urban based, leaving a significant proportion (42%) living in the rural areas of the Borough.

Ethnic minorities are still a small proportion of the population, although Swale is becoming more ethnically diverse, mostly to those from Black African, Black British, Asian or British Asian backgrounds. Although a very small proportion of the population, Swale also has one of the larger Gypsies and Traveller communities in Kent, both on their own sites and in permanent housing.

There are wide contrasts between neighbourhoods in the Borough, from the most prosperous parts of Faversham and rural areas in the south of the Borough, to some of England's most deprived neighbourhoods in Sheerness, Bluetown,

Queenborough, Rushenden, Leysdown and Warden, Davington, Murston and Milton Regis. This deprivation displays itself particularly in the poorer levels of educational attainments, ability to access jobs and health of these communities.

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## Chapter Three

### Licensing Objectives and Local Area Risk Assessments, Local Area Profiles

45. The Gambling Act 2005 contains three licensing objectives. In this revision of its Statement of Principles, the Licensing Authority seeks to assist applicants by setting out the considerations we will apply when determining applications under the Act.
46. Though licensing authorities are required to 'aim to permit' gambling, there is wide scope for them to impose conditions on Premises Licences or to reject, review or revoke Premises Licences where there is an inherent conflict with the relevant Licence Conditions and Codes of Practice issued by the Gambling Commission, the Guidance to Licensing Authorities issued by the Gambling Commission, the licensing objectives or this Statement of Licensing Policy.
47. Licensing authorities are able to request any information from an operator they may require to make licensing decisions. The Gambling Act 2005 requires a minimum level of information to be provided, but the Gambling Commission state in their Guidance to Licensing Authorities that this does not preclude reasonable requests from licensing authorities for any additional information they may require to satisfy themselves their decisions accord with the licensing objectives and Codes of Practice.

### Risk Assessment and Local Area Profiles

48. The Licensing Authority expects applicants to have a good understanding of the area in which they either operate, or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will promote the licensing objectives.
49. The Gambling Commission introduced a Social Responsibility Code of Practice requiring operators of premises used for gambling to conduct local area risk assessments and an Ordinary Code stating this should be shared with the licensing authority in certain circumstances in May 2016.
50. The Licensing Authority expects applicants for Premises Licences in its area to submit a risk assessment with their application when applying for a new premises licence, when applying for a variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.
51. The risk assessment should demonstrate the applicant has considered, as a minimum:

- any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;
  - the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
  - whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
  - the type of gambling product or facility offered;
  - the layout of the premises;
  - the external presentation of the premises;
  - the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
  - the customer profile of the premises;
  - staffing levels;
  - staff training;
  - whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.
  - Schools, sixth form colleges, youth centres etc., with reference to the potential risk of under-age gambling;
52. Applicants should liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.
53. This policy does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.
54. The Licensing Authority expects applicants to keep a copy of the local area risk assessment on the licensed premises and to ensure that all staff have seen the risk assessment, have received training in respect of its content, and are able to produce the risk assessment on request by an authorised officer of the Council, the Police or the Gambling Commission.
55. The 5<sup>th</sup> Edition Guidance (as amended) suggest that, like operators, licensing authorities complete and map their own assessment of local risks and concerns by developing local area profiles to help shape their statements; although there is no requirement to do this.
56. In simple terms, the objective of a local area profile in this context is to set out what an area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing authority and operators.
57. Licensing authorities can include the local area profiles within their statements. Alternatively they can reference the implications of local area profiles for their regulatory approach in the statement, but maintain the actual profiles separately in order to enable them to be updated without the need to re-consult on amending the full statement of principles. This is the approach

that Swale Borough Council wish to take and a local area profile will be published as a separate appendix to this policy.

58. It should be noted that, in assessing local area profiles, Licensing Authorities can take into account the location of:
- Schools, sixth form colleges, youth centres etc., with reference to the potential risk of under-age gambling;
  - Hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups;
  - Religious buildings;
  - Any known information about issues about problem gambling;
  - The surrounding night-time economy, and possible interaction with gambling premises;
  - Patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises;
  - The socio-economic makeup of the area;
  - The density of different types of gambling premises in certain locations; and
  - Specific types of gambling premises in the local area (e.g., seaside resorts may typically have more arcades or FECs)

This Licensing Authority will expect operators to include the above factors, and any local area profiles created by the Council, when carrying out their risk assessments.

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

59. The Licensing Authority will consider whether the premises make, or are likely to make, a contribution to the levels of crime and disorder in an area and whether the applicant has demonstrated that they have, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.
60. The licensing authority will give “due regard” to all possible implications and will always consider all the information available and representations made.
61. Where an area is known for high levels of crime (particularly crime associated with premises used for gambling), the Licensing Authority will consider whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.

62. In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Gambling Act 2005 itself.
63. The Council places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over licensed premises.
64. In terms of disorder, the Guidance to Licensing Authorities published by the Gambling Commission states, "licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether Police assistance was required and how threatening the behaviour was to those who could hear or see it.
65. There is not a definitive distinction between nuisance and disorder and the licensing authority may seek legal advice before determining what action to take in circumstances in which disorder may be a factor". The licensing authority will give "due regard" to all possible implications
66. The Licensing Authority will consider whether the layout, lighting, staffing and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
67. The Licensing Authority will consider whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

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

68. Though this licensing objective is primarily the responsibility of the Gambling Commission, the Licensing Authority will have a role in respect of the licensing of tracks, where an Operator's Licence from the Gambling Commission is not required. Matters to be taken into account will include:
  - whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
  - whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
  - whether the management and operation of the premises is open and transparent.
  - whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
  - whether the Gambling Commission's Licence Conditions and Codes of Practice have been complied with.

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

69. The Licensing Authority will consider the following when taking this licensing objective into account:
- whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
  - The Council will require that any gambling establishment must give space to advertisements publicising details of organisations and support groups providing assistance to anyone addicted to gambling
  - if the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme such as Think 21 to ensure no one under the age of 18 is admitted to the premises or restricted areas;
  - whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
  - whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
  - whether any promotional material associated with the activities authorised at the premises, is not aimed or could encourage the use of gambling products at the premises, by children or young people;
  - whether the operator can produce a record of underage challenges and action taken to establish age and prevent underage persons from being able to gamble;
  - whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems.
70. The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance defines the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to include people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, changes in circumstances such as bereavement, loss of employment or ill health or due to alcohol or drugs.
71. The Council may consult with Kent County Council's Child Protection Agency on any application that may give cause for concern over access for children or vulnerable persons.

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## Chapter Four

### Premises Licences

72. Any person or business that wishes to offer gambling for which an Operating Licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a Premises Licence.
73. Premise is defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided that are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed
74. Premises Licences can authorise the provision of facilities on:
- (a) casino premises,
  - (b) bingo premises,
  - (c) betting premises including tracks and premises used by betting intermediaries,
  - (d) adult gaming centre premises, or
  - (e) family entertainment centres.
75. Matters the Licensing Authority may not take into account include:
- the expected demand for gambling premises in the area;
  - planning or building law restrictions;
  - moral or ethical objections to gambling as an activity;
  - dislike of gambling;
  - a general notion that gambling is undesirable.
76. All licences will be subject to mandatory and/or default conditions and conditions imposed by the Licensing Authority. The Licensing Authority may consider that conditions other than the mandatory or default conditions are necessary to ensure the premises are reasonably consistent with the licensing objectives, the Gambling Commission's Codes of Practice and this Statement of Principles.
77. The Licensing Authority will take decisions in accordance with the Gambling Commission's Guidance and Licence Conditions and Codes of Practice and will have regard to the advice which it issues from time to time. The Licensing Authority will monitor the operation of premises and report any potential breach of Operating Licence conditions to the Gambling Commission. Applicants for new Premises Licences or variations to existing ones should be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting Premises Licence application that

has four gaming machines but no betting counter or associated betting facilities shown on the proposed plans would not be considered as offering the primary gambling activity in accordance with that indicated on the application.

78. The majority of Premises Licences will have mandatory and/or default conditions attached to the licence. The Licensing Authority can attach its own conditions to a Premises Licence if it believes this will promote the licensing objectives. Any conditions attached will be:

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

79. Certain matters are set out in the Act may not be the subject of conditions. These are:

- conditions which make it impossible to comply with an Operating Licence
- conditions as to gaming machines that contradict the provisions in the Act
- conditions making activities, premises or parts of them operate as a membership club
- conditions on fees, winnings, stakes or prizes.

80. Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the Licensing Authority will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as:

- the supervision of entrances;
- separation of gambling from non-gambling areas frequented by children;
- the supervision of gaming machines in premises not specifically for adult gambling and
- appropriate signage for adult only areas.

The Licensing Authority will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.

## Split Premises

81. The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises Licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each

unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

82. The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.
83. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.
84. In considering whether different areas of a building are genuinely separate premises the Licensing Authority may take into account factors which could include:
  - whether there are separate registrations for business rates in place for each premises;
  - whether separate sets of staff work in the individual premises;
  - whether there is a separate cash desk/reception for each of the premises;
  - whether each premises has its own postal address;
  - whether the premises are owned or operated by the same person;
  - whether each of the premises can be accessed from a street or public passageway;
  - whether the premises can only be accessed from any other gambling premises.
85. When considering proposals to divide a building into separate premises, the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
86. The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.
87. It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.
88. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

89. The Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but licensing authorities may consider that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”
90. It is the Licensing Authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
91. Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:
- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
  - the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
  - entrances and exits from parts of a building covered by one or more Premises Licences are separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
  - customers should be able to participate in the activity named on the Premises Licence.

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

## Access to Premises

92. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.
93. ‘Direct access’ is not defined, but the Licensing Authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

| Type of Premises | Access Provisions   |
|------------------|---|
| Casino           | <ul style="list-style-type: none"> <li>• The principal access to the premises must be from a ‘street’;</li> </ul> |

|                             |   |
|-----------------------------|---|
|                             | <ul style="list-style-type: none"> <li>No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;</li> <li>No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.</li> </ul>   |
| Adult Gaming Centre         | <ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from any other licensed gambling premises.</li> </ul>   |
| Betting Shop                | <ul style="list-style-type: none"> <li>Access must be from a 'street' or from other premises with a betting licence;</li> <li>No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.</li> </ul> |
| Track                       | <ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from a casino or Adult Gaming Centre.</li> </ul>  |
| Bingo Premises              | <ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.</li> </ul>   |
| Family Entertainment Centre | <ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.</li> </ul>   |

## Plans

94. The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.

95. The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives at tracks, Gambling Commission Guidance, Codes of Practice or its own Statement of Licensing Policy. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to discharge its duties effectively. Information shown on the plan that is not required by Regulations will not form part of the Premises Licence and will only be used by the Licensing Authority to help it make a considered decision on the application.
96. If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

## General Requirements for All Premises

97. The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons, persons gambling beyond limits they have set for themselves, person who may be involved in crime, persons who may be prone to anti-social behaviour, persons who are drinking alcohol where this is prohibited and persons who are showing signs of distress in respect of their gambling.
98. Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
99. Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
100. Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.

101. Where access to premises is age restricted, the Licensing Authority expects applicants to have a Think 21 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.
102. Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been barred by the operator, and any instances of crime or disorder that occurs on, or in association with, the licensed premises.
103. Applicants should demonstrate how they will identify self-excluded persons.

## Casinos

104. Under Section 166 of the Act the Council may pass a resolution not to issue any casino premises licences. The Council has not passed such a resolution but should it decide to do so in the future, it will update this Policy Statement..

## Bingo

105. This policy applies to applications for a Bingo Premises Licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo Premises Licence will be able to offer bingo in all its forms.
106. Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.
107. The Licensing Authority expects that where children are permitted in bingo premises, any category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.
108. Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.
109. Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff.

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## Betting Premises

110. This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.
111. The Licensing Authority must be satisfied that the primary use of the premises is to operate as betting premises. The applicant will be expected to demonstrate they are offering sufficient facilities for betting or otherwise should not make gaming machines available on the premises.
112. In determining applications for betting premises, the Licensing Authority shall consider the following:
- proof of age schemes
  - CCTV
  - entry control system
  - staff numbers
  - staff training
  - counter layout
  - supervision of entrances/ machine areas
  - machine privacy screens
  - notices/ signage
  - opening hours
  - provision of responsible gambling information

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

113. Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.
114. Section 181 of the Gambling Act 2005 permits the Licensing Authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a Premises Licence for a betting office. When considering whether to do so, the Licensing Authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.
115. The Licensing Authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions

available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

116. Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing Authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:
- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
  - the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
  - the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

## Betting Tracks and Other Sporting Venues

117. Tracks include premises where a race or other sporting event takes place, or is intended to take place. These may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. The Gambling Commission Guidance identifies that operators of track betting premises will not necessarily hold an Operating Licence issued by the Commission. The Licensing Authority will have particular regard to proposals and measures to ensure the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.
118. Examples of tracks include:
- Horse racecourses
  - Greyhound tracks
  - Point to point horserace meetings
  - Football, cricket and rugby grounds
  - Athletics stadia
  - Golf courses
  - Venues hosting darts, bowls or snooker tournaments
  - Premises staging boxing matches
  - Sections of river hosting fishing competitions
  - Motor racing events
119. The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.

120. The possibility of multiple licences at tracks is noted in Part 20 of the Gambling Commission Guidance. The Licensing Authority will expect the applicant for a Premises Licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but are still prevented from entering areas where gaming machines (other than category D machines) are provided. Children and young persons are not prohibited from playing category D machines on a track.
121. In determining applications for betting at tracks, consideration will be given to appropriate measures/licensing conditions to address the matters listed below:
- proof of age schemes such as Think 21
  - CCTV
  - entry control system
  - supervision of entrances/ machine areas
  - physical separation of areas
  - notices/ signage
  - opening hours
  - provision of responsible gambling information
  - provision of policies and procedures in relation to social responsibility measures as set out below
  - staffing levels
  - staff training and records of staff training
  - recording of incidents such as underage challenges, customer interactions for problem gambling, self-exclusions and complaints and disputes relating to gambling
  - details of action to be taken where an on course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

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

122. Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.
123. A track Premises Licence does not in itself entitle the holder to provide gaming machines. However, by virtue of section 172(9) of the Act, track owners who hold both a track Premises Licence AND a pool betting Operating Licence issued by the Gambling Commission (this currently only applies to

greyhound tracks) may provide up to four Category B2 to D gaming machines on the track.

124. The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track Premises Licences will need to demonstrate that, where the applicant holds or seeks a pool betting Operating Licence and is going to use their full entitlement to gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
125. The Licensing Authority will expect applicants to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, and any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence. Any such plans must also contain the information prescribed by regulations.
126. In respect of staff training, the Licensing Authority would expect staff involved with the provision of gambling facilities at the track to be trained in social responsibility measures including, but not limited to, age verification, problem gambling indicators and action to be taken, self-exclusion, complaints procedures and money laundering indicators and action to be taken. Records of such training should be retained by the track management showing the subjects the staff member was trained in and the date training took place. These should be signed off by the staff member and training should be refreshed at least annually.
127. The Licensing Authority expects track operators to have policies and procedures in place to deal with age verification, self-exclusion, money laundering, complaints and disputes and problem gambling as a minimum and to ensure that all staff involved in the provision of gambling facilities are aware of these policies and procedures and have been trained in their implementation.
128. The Licensing Authority expects track management to ensure appropriate problem gambling information is provided commensurate to the size and layout of the premises. This should be in the form of posters and also leaflets which a customer can take away. Leaflets should be provided in areas where they can be taken away discreetly by the customer.
129. Section 152 of the Act permits tracks to be the subject of multiple Premises Licences.
130. Access between premises licensed for gambling and non-gambling areas will be considered carefully by the Licensing Authority for the following reasons:

- To prevent operators from attempting to circumvent the Act by artificially sub-dividing premises and securing separate Premises Licences for its composite parts;
- To ensure operators do not circumvent the regulations governing the maximum number of gaming machines that may be provided at specific premises;
- To ensure people who have entered premises to take part in one form of gambling are not exposed to another form of gambling;
- To ensure there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
- To ensure all gambling premises have publicly accessible entrances;
- To ensure gambling premises are not developed in 'back rooms' of other commercial premises.

## Adult Gaming Centres (AGC's)

131. Adult gaming centre (AGC) Premises Licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a relevant Operating Licence from the Gambling Commission and must seek a Premises Licence from the Licensing Authority. Gaming machines are a form of gambling attractive to children and AGC's may contain machines of a similar format to the Category D machines on which children are allowed to play. However, persons under the age of 18 are not permitted to enter an AGC.
132. Because gaming machines provides opportunities for solitary play and immediate pay-outs, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering Premises Licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.
133. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
  - CCTV
  - entry control system
  - supervision of entrances/ machine areas
  - physical separation of areas
  - notices/ signage
  - opening hours
  - staffing levels
  - staff training
  - provision of problem gambling information

- self-exclusion schemes

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

## Family Entertainment Centres (FEC's)

134. Generally, FEC's must be operated by a person or body having an Operating Licence from the Gambling Commission. Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission Operator's Licence or Premises Licence from the Licensing Authority, but do need to have a gaming machine permit as set out in the section on Permits. Unlicensed Family Entertainment Centres may only be used to provide category D gaming machines.
135. Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
136. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:
  - CCTV
  - supervision of entrances/ machine areas
  - physical separation of areas for category C machines
  - location of entry
  - notices/ signage
  - opening hours
  - staffing levels
  - staff training
  - self-exclusion schemes
  - provision of problem gambling information
  - measures & training for dealing with children on the premises suspected of truanting.

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

137. The Licensing Authority expects applicants to demonstrate adequate separation between the area in which category C gaming machines are made available and areas of the premises to which children may have access. This will include whether physical separation is provided, staff supervision, signage and layout and presentation of the premises as a minimum. Operators should be aware of the risk of children entering adult only areas to speak to a parent who may be gambling in that area for example and have appropriate controls in place to reduce the risk of this.

## Door Supervisors

138. The Gambling Commission Guidance advises that licensing authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. Door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do however have to be SIA registered.
139. For betting offices and other premises, the operator and/or the Licensing Authority may decide that supervision of entrances or machines is appropriate in particular cases. The Licensing Authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised by counter staff or that problem customers cannot be dealt with effectively by counter staff alone and that door supervision is both necessary and proportionate.

## Provisional Statements

140. Following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
  - (a) which could not have been raised by objectors at the provisional licence stage; or
  - (b) which in the authority's opinion reflect a change in the operator's circumstances.

## Reviews

141. Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- any relevant Code of Practice issued by the Gambling Commission;
  - any relevant guidance issued by the Gambling Commission;
  - the licensing objectives;
  - this Statement of Principles.
142. The Licensing Authority may reject an application for review if it thinks the grounds on which the review is sought:
- a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the Licensing Authority's statement of principles;
  - b) are frivolous;
  - c) are vexatious;
  - d) 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the Premises Licence;
  - e) are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
  - f) are substantially the same as representations made at the time the application for the Premises Licence was considered. While the Licensing Authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the Premises Licence.
143. General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.
144. The Licensing Authority can initiate a review of a particular Premises Licence, or any particular class of Premises Licence, for any reason it believes is appropriate. This includes reviewing a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
145. The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe the Premises Licence



conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.

146. A responsible authority or interested party may apply to the Licensing Authority to review a Premises Licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at premises that could have been prevented if advice and guidance from a responsible authority had been heeded, or if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
147. As a review of a Premises Licence can lead to its revocation, the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

## Chapter Five

### Travelling Fairs and Permits

#### Travelling Fairs

148. The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
149. It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
150. The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The 27 day statutory maximum for the land being used as a fair each calendar year 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 will keep a record of any travelling fairs that take place in within the borough of Swale, that offer gambling as an ancillary use to the fair. The authority will ensure the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

#### Permits

151. Permits regulate gambling and the use of gaming machines in a premises which do not hold a Premises Licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The Licensing Authority is responsible for issuing the following permits:

- a) unlicensed family entertainment centre gaming machine permits;
  - b) alcohol licensed gaming machine permits;
  - c) prize gaming permits;
  - d) club gaming permits and club machine permits.
152. The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

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## Unlicensed family entertainment centre gaming machine permits

153. This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres (uFEC's). uFEC's are those that offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions, these premises particularly appeal to children and young persons. Therefore, the Licensing Authority will give particular weight to matters relating to child protection issues.
154. The Licensing Authority will grant an application for a permit only if it is satisfied that the premises are used wholly or mainly for making gaming machines available for use, and following consultation with the Police.
155. The Licensing Authority will not grant uFEC permits where the premises are not primarily used for making gaming machines available for use in accordance with section 238 of the Gambling Act 2005. This will preclude granting permits to lobbies in shopping centres or motorway service areas for example.
156. In cases where an existing uFEC permit has been granted to premises not primarily used for making gaming machines available, the Licensing Authority shall generally refuse to renew such permits. Decisions however will be made on a case by case basis.
157. Applicants for uFEC permits are expected to provide a scale plan of the premises with their application showing entrances/exits, location of CCTV cameras, cash desk, and machine locations as well as other features such as a bowling alley for example or play area which may form part of the premises.
158. The Licensing Authority will require applicants to demonstrate as a minimum:
- a full understanding of the maximum stakes and prizes of gambling that is permissible in unlicensed FECs;
  - that problem gambling information will be provided in the premises commensurate with its size and layout;
  - that the applicant has a written policy in place to deal with complaints and disputes which can be given to a customer on request;
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
  - that staff are trained to recognise problem gambling and signpost a customer to problem gambling information;
  - that staff have been trained in how to deal with complaints and disputes in line with the applicant's policy.
159. The Licensing Authority will expect the applicant to show there are policies and procedures in place to protect children and vulnerable people from harm.

Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

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

## Automatic entitlement to two gaming machines

160. Premises licensed to sell alcohol on the premises under the Licensing Act 2003 are automatically entitled to provide two gaming machines of category C and/or D. The holder of the Premises Licence under the Licensing Act 2003 must notify the Licensing Authority of their intention to make the gaming machines available for use and must pay the prescribed fee.
161. This entitlement only relates to premises with a Licensing Act 2003 Premises Licence that authorises the sale of alcohol for consumption on the premises and which contain a bar at which alcohol is served without the requirement that alcohol is only sold ancillary to the provision of food.
162. Licensees siting gaming machines must comply with the relevant Gambling Commission Code of Practice.
163. Licensees must be aware that gaming machines can only be supplied by a person holding an Operating Licence from the Gambling Commission enabling them to do this. A register of licensed suppliers can be found on the Gambling Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).
164. In the event that the relevant authorisation under the Licensing Act 2003 is transferred, lapses or is revoked, the automatic entitlement to two gaming machines ceases to have effect and a new notification will need to be served on the Licensing Authority.
165. The Licensing Authority will remove the automatic authorisation in respect of any particular premises if:
  - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - gaming has taken place on the premises that breaches a provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
  - the premises are mainly used for gaming; or

- an offence under the Gambling Act has been committed on the premises.

## Permit for three or more gaming machines

166. This policy applies to alcohol licensed premises that propose to have three or more gaming machines. Licensed premises wishing to have three or more gaming machines of category C or D must apply to the Licensing Authority for a permit. This permit will replace the automatic entitlement to two gaming machines rather than be in addition to it and the holder must comply with the relevant Gambling Commission Code of Practice.
167. As gaming machines provide opportunities for solitary play and immediate pay-outs, they are more likely to engender repetitive and excessive play. The Licensing Authority, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to:
- the need to protect children and vulnerable people from harm or being exploited by gambling;
  - measures taken by the applicant to satisfy the Licensing Authority that there are sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines;
  - whether the applicant has an effective policy in place for handling customer complaints or disputes about the gaming machines.
168. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18 and look for signs of problem gambling, attempts to cheat the machine, or suspected money laundering;
  - notices and signage;
  - the provision of information leaflets or helpline numbers for organisations who can assist with problem gambling.
169. If the Licensing Authority is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, it may refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.
170. The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:
- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,

- (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
  - (c) the premises are mainly use or to be used for making gaming machines available, or,
  - (d) an offence under the Gambling Act 2005 has been committed on the premises.
171. Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.
172. When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.

## Prize Gaming Permits

173. This policy applies to applications for, or renewals of, prize gaming permits. Gaming is prize gaming "if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming". Normally the prizes are determined by the operator before play commences.
174. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.
175. Given that the prize gaming will particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues.
176. The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes set out in regulations;
  - that the gaming offered is within the law;
  - clear policies that outline the steps to be taken to protect children and vulnerable persons from harm.
177. The Licensing Authority will only grant a permit after consultation with the Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

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

## Club Gaming and Club Machine Permits

179. Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs such as snooker clubs run on a profit basis may apply for a club machine permit. Each type of permit allows the provision of different types of gaming and provision of game machines. The current entitlements can be found by visiting the Gambling Commission's website ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).
180. A commercial club is defined as a club where membership is required but the club is operated for commercial gain.
181. A non-commercial club is a club where no commercial gain is made. A non-commercial club must meet the following criteria to be considered a members' club:
- it must have at least 25 members;
  - it must be established and conducted wholly or mainly for purposes other than gaming (with the exception of bridge or whist);
  - it must be permanent in nature;
  - it must not be established to make a commercial profit;
  - it must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

182. The Licensing Authority 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.
183. There is also a "fast-track" procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:
- (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (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.
184. There are statutory conditions on club gaming permits that no child may use a category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.
185. The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:
- is the primary activity of the club something other than gaming?
  - are the club's profits retained solely for the benefit of the club's members?
  - are there 25 or more members?
  - are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
  - do members participate in the activities of the club via the internet?
  - do guest arrangements link each guest to a member?
  - is the 48 hour rule being applying for membership and being granted admission being adhered to?
  - are there annual club accounts available for more than one year?
  - how is the club advertised and listed in directories and on the internet?
  - are children permitted in the club?
  - does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
  - is there a list of Committee members and evidence of their election by the club members?

186. When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:
- Who makes commercial decisions on behalf of the club?
  - Are the aims of the club set out in the constitution?
  - Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
  - Is the club permanently established? (Clubs cannot be temporary).
  - Can people join with a temporary membership? What is the usual duration of membership?
  - Are there long term club membership benefits?
187. Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:
- How many nights a week gaming is provided;
  - How much revenue is derived from gambling activity versus other activity;
  - How the gaming is advertised;
  - What stakes and prizes are offered;
  - Whether there is evidence of leagues with weekly, monthly or annual winners;
  - Whether there is evidence of members who do not participate in gaming;
  - Whether there are teaching sessions to promote gaming such as poker;
  - Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
  - Whether there is sponsorship by gaming organisations;
  - Whether participation fees are within limits.

## Chapter Six Notices

### Temporary Use Notices

188. This policy applies to applications for Temporary Use Notices. Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
189. The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant Operating Licence.
190. Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
191. The Licensing Authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the Licensing Authority will consider:
- the suitability of the premises;
  - the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
  - the CCTV coverage within the premises;
  - the ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
  - whether the premises or the holder of the Operating Licence have given the Licensing Authority any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Gambling Commission, the relevant code of practice or this Statement of Principles.

### Occasional Use Notices

192. The Licensing Authority has very little discretion on Occasional Use Notices for betting at tracks aside from ensuring the statutory limit of eight days a calendar year is not exceeded. The Licensing Authority will consider the definition of a “track” and whether the applicant can demonstrate they are responsible for the administration of the “track” or an occupier, and thus permitted to avail themselves of the notice. The definition of “track” in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues. If notices are given for a single track which would permit betting to occur for more than eight days per year, the Licensing

Authority is obliged to issue a counter notice preventing such a breach occurring.

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## Chapter Seven

### Small Society Lotteries

193. The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:
- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
  - exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

#### Definition of lottery

194. A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Gambling Act 2005.
195. An arrangement is 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.
196. An arrangement is 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.

#### Definition of society

197. A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted. Section 19 of the Gambling Act 2005 defines a society as such if it is established and conducted:
- for charitable purposes, as defined in s.2 of the Charities Act 2006
  - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
  - for any other non-commercial purpose other than that of private gain.
198. It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

199. Participation in a lottery is a form of gambling. Lotteries must be conducted in a socially responsible manner and in accordance with the Act.
200. The minimum age for participation in a lottery is sixteen. The holder of a small society lottery registration must take reasonable steps to ensure that all those engaged in the promotion of their lottery understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

## External Lottery Managers

201. External lottery managers (ELMs) are required to hold a lottery operator's licence issued by the Gambling Commission to promote a lottery on behalf of a licensed society.
202. However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors. Key indicators will include:
  - who decides how the lottery scheme will operate
  - who appoints and manages any sub-contractors
  - the banking arrangements for handling the proceeds of the lottery
  - who sells the tickets and pays the prizes
  - who controls promotional aspects of the lottery.
203. Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences on its website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## Lottery Tickets

204. Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:
  - the name of the promoting society
  - the price of the ticket, which must be the same for all tickets (e.g. there can be no option to 'buy two tickets, get one free')
  - the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM
  - the date of the draw, or information which enables the date to be determined.

205. The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.
206. The society should maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority may wish to inspect the records of the lottery for any purpose related to the lottery.

## Where tickets may be sold

207. The Licensing Authority expects holders of small society lottery registrations not to sell lottery tickets to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence, in order to do this.

## Prizes

208. Prizes awarded in small society lotteries can be either cash or non-monetary. Prizes declared on returns must not exceed the limits on prizes set out by the Act - in effect that combined with any expenses incurred with the running of the lottery, such as managers' fees, they must not comprise more than 80% of the total proceeds of the lottery. Donated prizes would not be counted as part of this 80% (as no money would be withdrawn from the proceeds to cover their purchase) but are still subject to the limit on a single maximum prize of £25,000 and should be declared on the return following the lottery draw.
209. Alcohol should not be offered as a prize in a lottery without the society first ensuring that no Licensing Act 2003 consent is required for this from the Licensing Authority. If such consent is required, then alcohol shall not be offered as a prize unless such consent has been obtained.

## Small society registration

210. The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a licensing authority. Parts 4 and 5 of Schedule 11 of the Act set out the requirements on both societies and licensing authorities with respect to the registration of small society lotteries.
211. The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located.
212. Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the

required registration fee and all necessary documents required by the Licensing Authority to assess the application. This information shall include a copy of the society's terms and conditions and their constitution to establish that they are a non-commercial society.

213. Societies may not circumvent the requirement to hold a Gambling Commission Lottery Operating Licence by obtaining two or more registrations with the same or different Licensing Authorities. As set out previously, the Act states that a society lottery is a large lottery if the arrangements for it are such that its proceeds may exceed £20,000 in a single lottery, or if the aggregate proceeds in a calendar year exceed £250,000.
214. In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.
215. By virtue of Schedule 11 paragraph 31(5) of the Act, societies may not hold an Operating Licence with the Gambling Commission and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of three years during which a large society cannot convert to small society status.
216. Registrations run for an unlimited period, unless the registration is cancelled.

## Refusal of registration

217. The Licensing Authority may propose to refuse an application for any of the following reasons:
  - 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 Commission will be able to advise the details of people and organisations that have been refused an operating licence or have had an operating licence revoked in the past five years. Licensing authorities should consult the Commission as part of their consideration process.
  - The society in question cannot 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, listed in Schedule 7 of the Act.
  - Information provided in or with the application for registration is found to be false or misleading.
218. The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. The Licensing Authority shall inform the society of the reasons why it is minded to refuse registration and



provide it with at least an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

## Revocation of a small society's registered status

219. The Licensing Authority may revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion. The society may make representation as to why revocation should not take place, which will be discussed with the Licensing Manager and a decision made on how the representation will be handled.

## Administration and returns

220. The Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

221. The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society (Schedule 11, paragraph 33)
- no single prize may be worth more than £25,000 (Schedule 11, paragraph 34)
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (Schedule 11, paragraph 35)
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed (Schedule 11, paragraph 37).

222. Paragraph 39 of Schedule 11 in the Act sets out the information that the promoting society of a small society lottery must send as returns to the Licensing Authority with which it is registered, following each lottery held. This information allows licensing authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose. The following information must be submitted:

- the arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers

- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
  - the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
  - whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.
223. Paragraph 39 of Schedule 11 in the Act also requires that returns must:
- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratchcards) within three months of the last date on which tickets were on sale
  - be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.
224. The Gambling Commission may inspect a society's returns, although it will not routinely do so. The Licensing Authority is required to retain returns for a minimum period of three years from the date of the lottery draw. They must also make them available for inspection by the general public for a minimum period of 18 months following the date of the lottery draw.
225. Small Society Lottery returns are available for inspection, on request by the general public, from the Licensing Department.
226. The Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales. The Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question. The Gambling Commission will contact the society to determine if they are going to apply for a lottery operator's licence, thereby enabling them to run large society lotteries lawfully, and will inform the Licensing Authority of the outcome of its exchanges with the society.

## Appendix One Consultation

A public consultation was carried out in respect of this Statement of Principles from date 5<sup>th</sup> July 2021 until 20<sup>th</sup> August 2021. As well as sending consultation letters and emails directly to all persons affected by gambling, a public notice was displayed at the Council offices at Swale House (East Street, Sittingbourne), Gateway Sheerness (High Street, Sheerness) and Alexandra Centre (Preston Street, Faversham), for the duration of the consultation and an advertisement of the consultation was published in (insert name of local newspaper and date published).

\*\*\* responses were received to the consultation.

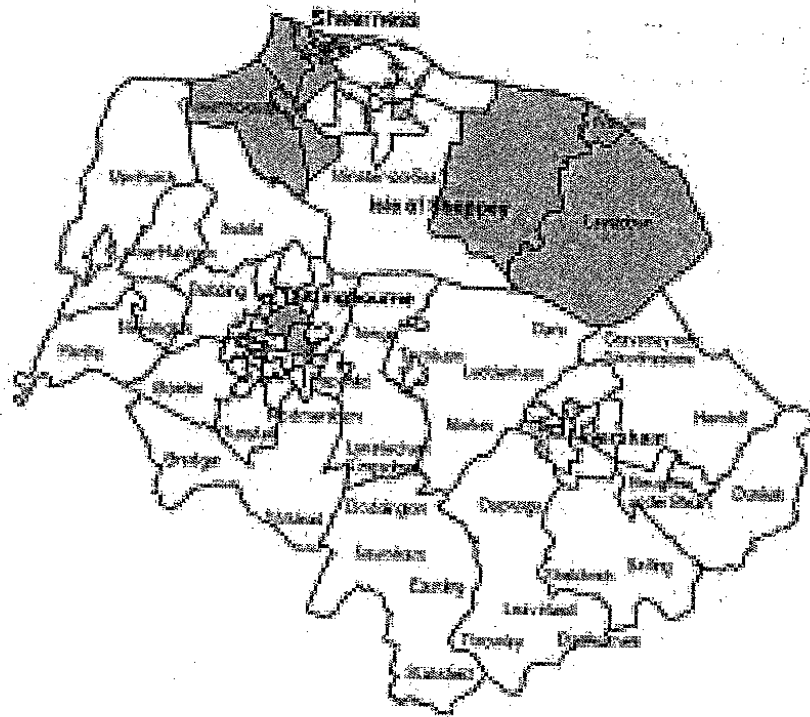
Summarise the responses here.

The draft Statement of Principles was published on the Council's website for a period of seven weeks commencing date and was also made available at the following public libraries for the same period:

This Statement of Principles was considered by the Council's General Licensing Committee on 1<sup>st</sup> July 2021 and 9<sup>th</sup> September 2021 and approved by Full Council on 10 November 2021.

A notice was published on the Council's website and at Swale House (Sittingbourne), Gateway (Sheerness) and Alexander Centre (Faversham) on \*\*\* stating where the Statement of Principles could be inspected [www.swale.gov.uk/licensing](http://www.swale.gov.uk/licensing) the date the Statement of Principles would be published, and the date it would take effect.

Appendix Two  
Map of the Area Covered by this Statement of  
Principles



If you would like the Statement of Principles for Gambling in large print, or in another language, please contact the Licensing Team.

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