

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

# Licensing Committee

The meeting will be held at **7.00 pm** on **18 October 2016**

**Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL.**

## Membership:

Councillors Michael Stone (Chair), Ben Maney (Vice-Chair), Chris Baker, Jan Baker, Colin Churchman, Gary Collins, Robert Gledhill, Graham Hamilton, Clifford Holloway, Roy Jones, Steve Liddiard, Joycelyn Redsell, Gerard Rice, Graham Snell and Pauline Tolson

## Substitutes:

Councillors James Baker, Garry Hague, Shane Hebb, David Potter and Aaron Watkins

## Agenda

Open to Public and Press

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To approve as a correct record the minutes of the Licensing Committee meeting held on 7 July 2016.	
<b>3. Items of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972	
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**Queries regarding this Agenda or notification of apologies:**

Please contact Jessica Feeney, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **10 October 2016**

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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature

You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

**Vision: Thurrock:** A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

**1. Create** a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

**2. Encourage** and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

**3. Build** pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

**4. Improve** health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

**5. Promote** and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

## Minutes of the Meeting of the Licensing Committee held on 7 July 2016 at 7.00 pm

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**Present:** Councillors Michael Stone (Chair), Ben Maney (Vice-Chair), Chris Baker, Jan Baker, Colin Churchman, Gary Collins, Roy Jones, Joycelyn Redsell and Graham Snell

**Apologies:** Councillors Clifford Holloway and Steve Liddiard

**In attendance:** Paul Adams, Principal Licensing Officer  
Chris Pickering, Principal Solicitor - Employment & Litigation  
Jessica Feeney, Senior Democratic Services Officer

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **1. Minutes**

The minutes of the meeting held on the 28 January 2016 were approved as a correct record.

### **2. Items of Urgent Business**

There were no items of urgent business.

### **3. Declaration of Interests**

There were no declarations of interest.

### **4. Review of the Statement of Principles under the Gambling Act 2005**

The Principal Licensing Officer introduced the report to members explaining that the Gambling Act 2005 (the Act) required all local authorities to produce a statement of the principles, which they propose to apply when exercising their functions under the Act. Members were enlightened that the Act also required that any statement was kept under review and must be re-published at least every three years. The current Statement of Principals was due for review. The report sought the views of Members of the Licensing Committee on the proposals before the revised documents went out for public consultation.

Councillor Churchman questioned if it was a legal requirement for staff in gambling premises to have training on how to intervene with customers gambling in an excessive manor. The Principal Licensing Officer explained that this was not a legal requirement although each gambling premises was required to carry out risk assessments and adhere to the Gambling Act 2005 licensing objectives.

Members requested that the local area profile maps were circulated to Licensing Committee members.

Councillor Maney questioned why the ethnic profile of residents in the area was expected to be carried out as a risk assessment. The Principal Licensing Officer informed members that this was added as a risk assessment due to a study commissioned by Westminster Council in the preparation of their Local Area Profile, which concluded that certain ethnic minorities were more frequent gamblers than other minorities.

Councillor Collins enquired if the Council would monitor money laundering in relation to the premises. Members were enlightened this was currently monitored by authorities such as the police and trading standards, and not a primary role of the licensing team, however if noted they would liaise with the relevant authorities.

#### **RESOLVED**

**That the Licensing Committee considered the draft reviewed Gambling Act Statement of Principles as in Appendix A, and agreed for public consultation.**

#### **5. CSE Awareness Training for Hackney Carriage Private Hire Drivers**

Members were informed that the report sought to make attendance of Thurrock Council's Child Sexual Exploitation Awareness Training, a pre application requirement, which would require all licensed drivers to have undertaken the training before they renew their licence or before any new drivers were granted with a licence.

Councillor Collins questioned how the Council could monitor the knowledge taxi drivers gained from the Child Sexual Exploitation Awareness Training. The Principal Licensing Officer explained that monitoring this would be very difficult although we could monitor who has attended the training, members were informed that all taxi drivers were required to wear their photographic identification badge so checks could easily be made. Members were also informed that the Licensing department and the Police regularly carried out taxi enforcement sessions during the day and night.

Councillor Snell asked for clarification regarding the E-Learning course. The Principal Licensing Officer explained that Officers were looking to turn the spoken training course into an online training course with questions.

Councillor Snell requested that the questions were asked throughout the training course to ensure that the trainees understood.

Councillor Jones queried how long it would be before all taxi drivers had completed the training course. The Principal Licensing Officer explained almost all taxi drivers would have completed the course within the next year, it was added that those who had not attended would be sent a letter. Members were informed that those who may refuse to undertake the training would be



unable to renew their licence unless given a valid reason which would need to be agreed to by the Licensing Committee.

**RESOLVED**

**That the Licensing Committee agreed recommend to Council the inclusion of the completion of Thurrock Councils CSE Awareness training as part of its pre application requirements.**

**6. Applications Received**

The Principal Licensing Officer introduced the report to Members explaining that the report contained details of applications received under the Licensing Act 2003 and Gambling Act 2005.

It was explained to members that some of the applications were for temporary events undertaken within the borough which held less than 500 people.

Members were referred to Appendix A that provided details of all applications received for any new/variation/minor variation for a premises licence or club premises certificate of a temporary event notice; or any type of gambling premises licence for the above period.

Members were updated on the outcome of a recent appeal to the magistrates court regarding a recent Taxi Driver application.

**RESOLVED:**

**That the contents of the Report be noted.**

**The meeting finished at 7.38 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

Any queries regarding these Minutes, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

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<b>18 October 2016</b>	<b>ITEM: 5</b>
<b>Licensing Committee</b>	
<b>Review Of The Statement Of Principles Under The Gambling Act 2005 - Consideration Of Public Consultation Comments.</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> Paul Adams – Principal Licensing Officer	
<b>Accountable Head of Service:</b> Andy Millard – Head of Planning and Transportation.	
<b>Accountable Director</b> Steve Cox - Corporate Director of Environment and Place	
<b>This report is:</b> Public	

## **Executive Summary**

The Gambling Act 2005 (the Act) requires all local authorities to produce a statement of the principles, which they propose to apply when exercising their functions under the Act.

The Act also requires that any statement is kept under review and must be re-published at least every three years. The current Statement of Principals is now due for review. This report brings back to Members of the Licensing Committee the reviewed document, along with the comments received during public consultation, for consideration before adoption.

### **1. Recommendation(s)**

- 1.1 That the Licensing Committee considers the comments received in relation to the draft reviewed Gambling Act Statement of Principles, and agrees the revised version as in Appendix C, for referral to Council for adoption.**

## **2. Introduction and Background**

- 2.1 Section 349 of the Gambling Act 2005 (the Act) requires a council, as the licensing authority, to produce, consult upon and publish a statement of the principles (the Statement) it intends to apply when exercising its function under the Act. A licensing authority's function under section 349 may not be delegated by the authority.
- 2.2 This statement must be kept under review and be re-published at least every three years.
- 2.3 The Statement first came into effect in January 2007 and was subsequently reviewed in January 2010 and 2013. The Statement now requires review.

## **3. Issues, Options and Analysis of Options**

- 3.1 The Council as a Licensing Authority is obliged to have a statement of Principles in place. The current Statement's review date was 6<sup>th</sup> January 2016. The review has been delayed awaiting the publication of a revised guidance for Local Authorities, by the Gambling Commission, which was published in September 2015.
- 3.2 The current statement remains in effect, and will do so until any revision is approved at Council.
- 3.3 A revised document was considered by the Licensing Committee on the 7 July, where it was agreed for public consultation.
- 3.4 The document has been out for public consultation between the 10 August and 5 October 2016.
- 3.5 During this period two comments have been received, the first is from Essex Police, which is attached as **Appendix A**. The second is from Gosschalks Solicitors, on behalf of Association of British Bookmakers (ABB), which is attached as **Appendix B**.
- 3.6 With regards to the Comments received by Essex Police, with regarding relation to representation 1, a wider definition of organised crime has been included in the definitions section in appendix 1. With regards to representation 2, this has been included in the policy statement.
- 3.7 With regards to the comments received on behalf of the ABB, No change has been made to the policy relating to 15.7 or 15.14 to 15.16 at this stage. An additional statement has been added to address the point raised with 15.11.
- 3.8 The revised draft statement is attached as **Appendix C**

#### **4. Reasons for Recommendation**

- 4.1 Amendments to the policy documentation have been made by officers following the public consultation. The Licensing Committee can only recommend to Council the adoption of the policy, it is for Council to adopt the policy on behalf of Thurrock Council.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 4.1 This policy document was consulted on for a period of 8 weeks between 10 August 2016 and 5 October 2016, which is in line with the government's guidance on consultation.
- 4.2 Consultation was undertaken with all current licence holders, and their representatives, other relevant stakeholders in the gambling industry, and has been placed on the Council's website for the duration of the consultation period.

#### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 None

#### **7. Implications**

##### **7.1 Financial**

Implications verified by: **Laura Last**  
**Senior Finance Officer.**

There are no financial implications in relation to this report.

##### **7.2 Legal**

Implications verified by: **Chris Pickering**  
**Principal Solicitor - Litigation & Employment**

Following the public consultation the revised policy needs to be considered in line with the comments received by this committee for approval before being referred to Full Council for adoption.

##### **7.3 Diversity and Equality**

Implications verified by: **Becky Price**  
**Community Development Officer**

The proposed changes to the Statement of Principles include the incorporation of a local area profile that highlights where vulnerable groups are located in

efforts to mitigate potential risks through the application process for gambling operators.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- Appendix A - Comments received from Essex Police
- Appendix B - Comments received on behalf of ABB.
- Appendix C – Final draft reviewed Statement of Principles

**Report Author:**

Paul Adams

Principal Licensing Officer



Public Protection  
Thurrock Council  
New Road  
Grays  
Essex RM17 6SL

Essex Police Licensing Dept.  
PO BOX 12306  
Witham  
Essex. CM8 2AS

17<sup>th</sup> August 2016

## **RE: REVIEW OF STATEMENT OF PRINCIPLES – GAMBLING ACT 2005**

Dear Sirs

As a statutory consultee to the above, Essex Police welcomes the latest version of the Authority's Statement of Principles which we fully support.

Essex Police would seek to make two specific representations that may enhance the Authority's Statement and would seek to correct an inaccuracy contained within Appendix B relating to the contact details of Essex Police.

### **Representation 1**

In those parts of the Authority's Statement concerned with 'location' (section 15.7), reference is made to organised crime. There appears to be no definition of this phrase within the Statement.

Essex Police would ask that the Authority does not limit its interpretation of 'organised crime' to a narrow one, but extends its interpretation to cover activity conducted by an 'organised crime group' (as defined under Part 3 Section 45 of the Serious Crime Act 2015) – which is defined as *'a group which has at its purpose, or one of its purposes, the carrying on of criminal activities and consists of three or more people who agree to act together to further that purpose'*.

## **Representation 2**

Section 15.7 of the Statement lists a number of specific location issues which may be the subject to relevant representations.

Essex Police would invite the Authority to consider whether an additional location consideration should be included, specifically:

- Areas with a high level of acquisitive crime (e.g. shoplifting, burglary, theft and robbery).

The rationale of this suggestion is that gambling establishments provide an opportunity to 'launder' the proceeds of crime by disguising the origin of cash winnings. Offenders who trade stolen items for cash will often try to find a way of 'legitimising' such cash; cash which may later found in their possession during police investigations and which may otherwise incriminate them.

## **Correction**

Appendix B incorrectly states that the address of Essex Police for Gambling Act 2005 representations etc. is Grays Police Station.

The correct address for such representations etc. is:

Essex Police Licensing Department  
PO Box 12306  
Witham  
Essex  
CM8 2AS

Yours faithfully

Gordon Ashford

Substance Misuse and Licensing Coordinator  
Local Policing Support Unit





Thurrock Council  
Licensing Department  
New Road  
Grays  
RM17 6SL

**Please ask for:** Richard Taylor  
**Direct Tel:** 01482 590216  
**Email:** rjt@gosschalks.co.uk  
**Our ref:** RJT / LHF / 097505.00004  
#GS969733  
**Your ref:**  
**Date:** 15 September 2016

Dear Sir/Madam,

**Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft 2016-19 gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and our commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, The ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process

(including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2016 were 8,809 - a decline of over 300 since March 2014, when there were 9,137 recorded.
- recent planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

### **Working in partnership with local authorities**

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

### **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

### **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

### **Local area risk assessments**

Since April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

## Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both we and our members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to contact us.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe what the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with our smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

## Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to

staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

### **Employing additional licence conditions**

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Other concerns**

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

### **Considerations specific to the 2016-2019 Statement of Principles**

There appears to be a typographical error within paragraph 15.4 which should be corrected.

Paragraph 15.7 correctly outlines the requirement under the LCCP for licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at their premises. Thereafter, there is a list of matters that the authority expects to be considered as a minimum when completing the local area risk assessment. This list needs to be redrafted as it contains reference to matters that can have no bearing upon whether or not the operation of gambling facilities poses a risk to the licensing objectives. For example, the first issue that the licensing authority requires to be considered is whether or not the premises is in an area of deprivation. The

relative affluence of an area can have no bearing on any risk to the licensing objectives unless the licensing authority has predetermined that persons in an area of deprivation are automatically vulnerable or more likely to be involved in crime or disorder caused by gambling. We doubt that the licensing authority has made that predetermination.

Similarly, the ethnic profile of residents in the area cannot have a bearing on whether or not the operation of licensed premises pose a risk to the licensing objectives. This reference to ethnicity should be deleted.

We welcome the acknowledgment in paragraph 15.11 that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises and that additional conditions are only necessary in exceptional cases. Throughout the policy there is reference to the need for an evidential basis where decisions are made. Paragraph 15.11 would benefit from a clear indication that only where there is evidence of a specific risk will the licensing authority consider conditions to supplement the mandatory and default conditions.

Paragraph 15.14 to 15.16 explains the licensing authority's approach to betting machines. These paragraphs would benefit from redrafting so that it is very clear that whilst the licensing authority has the power to restrict the number of betting machines, it has no such power to limit the number of gaming machines. The difference between betting machines and gaming machines is clearly stated within the definitions section within Appendix A but we believe that this section would benefit from that clear distinction.

## **Conclusion**

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,

## **GOSSCHALKS**



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***THURROCK COUNCIL***

***DRAFT***  
***Gambling Licensing***  
***Policy Statement***

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**THURROCK COUNCIL**  
**GAMBLING LICENSING POLICY STATEMENT**  
**2016**

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**APPENDICIES**

***The following appendices do not form part of the approved Statement of Gambling Licensing Policy but are included to assist applicants in meeting the requirements of the licensing process.***

A	Definitions
B	Contact Details of Responsible Authorities
C	Application Process
D	Description of the District
E	Advice for those who have difficulty in understanding English
F	Terms of Reference and Delegated Powers
G	List of Consultees
H	Useful Contacts

# Foreword to Gambling Licensing Policy Statement

The Gambling Act 2005 provides the legal framework for the licensing and regulation of commercial gambling in this Country. One of the responsibilities placed by the Act on local authorities, is to produce a Gambling Policy Statement. This is the **third** Statement of Licensing Policy produced by Thurrock Council since the law came into effect. It provides the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years, commencing on [DATE].

In applying this policy the Council will not be promoting gambling nor will it be restricting opportunities for individuals who wish to participate in Gambling. The statement simply sets out the principles that Thurrock Council will apply in exercising our licensing functions under the Act. In applying the principles contained in this policy the Council seeks to work in partnership with the gambling industry and other bodies to ensure proper application of the licensing objectives of:

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

This policy has been produced in accordance with provisions of the Act, Regulations and Guidance issued by the Gambling Commission. It will be kept under review and will be amended when issues arise that make change necessary. In making decisions under this policy, the Council as the licensing authority will aim to achieve an effective balance between meeting the objectives of the Gambling Act 2005 and facilitating the sustainable economic growth of the borough.

## **PART A GENERAL**

### **1.0 INTRODUCTION**

1.1 This Statement of Licensing Policy sets out the principles by which Thurrock Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), intends to apply in discharging its functions to licence premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an "Interested Party";
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting court proceedings for offences committed under the Act.

## **2.0 THE LICENSING OBJECTIVES**

- 2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

## **3.0 DESCRIPTION OF THE BOROUGH**

- 3.1 Thurrock has a long and celebrated history; having played a vital role in the defense of the region, the capital and the realm.

Situated within the heart of the Thames Gateway in South Essex, just to the East of London, this thriving borough encompasses huge swathes of green belt country, with 18 miles (29km) of Thames frontage. The area's unique riverside location and vast natural resources is the key to its past and future development, growth and success.

Thurrock's economy has historically been driven by the presence of several large sectors - transport, logistics, port functions and retail account for a substantial part of the current economic landscape.

Thurrock has been considered a gateway between Britain and the rest of the world for decades and this still holds true today - DP World's presence in the borough is testimony to that.

Alongside these areas of peace and beauty, Thurrock is also home to one of the largest shopping complexes in Europe. All of this is just 40 minutes from the heart of The City.

The Thames Gateway corridor is Europe's largest regeneration programme, 50 per cent of which is being delivered in Thurrock. This status brings many opportunities but also some significant challenges - 26,000 new jobs and 18,500 new homes by 2021.

In 2009 our population was estimated at 157,200 in 63,678 dwellings. Over 30 different languages are currently spoken and this number is also expected to rise. The council recognises the benefits of a diverse community and the potential impact of these trends on shaping the future of Thurrock. There are 3,634 commercial properties in Thurrock but the traditional manufacturing sector now only accounts for 11% of the business base. Whilst Thurrock's ranking in deprivation has improved, but inequalities exist in parts of Tilbury, Belhus, Chadwell, Ockendon and West Thurrock with the gap biggest in health, crime, education and employment.

Thurrock Unitary Council was formed in the 1998 local government review. There are 20 electoral wards and 49 seats on the Council. Ordinarily, Members serve for a mandate of four years.

#### **4.0 RESPONSIBILITIES UNDER THE ACT**

- 4.1 The Act introduced a licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.
- 4.2 The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Thurrock Council is the Licensing Authority for the Borough of Thurrock.
- 4.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:-
- operate a casino;
  - provide facilities for playing bingo or for pool betting;
  - provide betting or act as intermediaries for betting;
  - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
  - manufacture, supply, install, adapt, maintain or repair gaming machines;
  - manufacture, supply, install or adapt gambling machine software; or
  - promote a lottery.
- 4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are included, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. The Licensing Authority has additional responsibility for the registration of certain types of exempt Small Society Lotteries.
- 4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-
- a) in accordance with any relevant codes of practice;
  - b) in accordance with any relevant Guidance issued by the Gambling Commission;
  - c) reasonably consistent with the Licensing Objectives, subject to the two bullet points above, and
  - d) subject to the three bullet points above, in accordance with the Licensing Authority's Statement of Licensing Policy.

Before the Licensing Authority can determine an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

## **5.0 STATEMENT OF LICENSING POLICY**

- 5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.
- 5.2 This Policy must be published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.
- 5.3 This Policy takes effect on [DATE], **and replaces the policy previously in force.**

## **6.0 CONSULTATION**

- 6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A list of these other groups and persons consulted is provided at Appendix G.
- 6.2 The Act requires that the following parties are consulted by the Licensing Authority:-
- The chief officer of police for the Authority's area;
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
  - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 6.3 The other groups and people consulted were:-
- Organisations, working with who are problem gamblers;
  - Other elements of local government;

- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

6.4 Consultation took place between [DATE 10 August 2016] and [DATE] 5 October 2016

6.5 A full list of comments made and details of the Council's consideration of those comments is available by request to Licensing Department or via the Licensing Authority's website at [www.thurrock.gov.uk](http://www.thurrock.gov.uk)

## **7.0 APPROVAL OF POLICY**

7.1 This Policy was approved at a meeting of the full Council on **[Date to be confirmed]** and was published via its website on **[Date to be confirmed]**. Copies are available on request.

7.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

## **8.0 DECLARATION**

8.1 The Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process, and will adopt the Principles of Better Regulation.

8.2 The Council recognises its responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Race Equality Scheme and the Disability Equality Scheme.

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

## **9.0 RESPONSIBLE AUTHORITIES**

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix B. It should be noted that under the Act, the Licensing Authority itself is designated as a Responsible Authority.



- 9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-
- the competency of the body to advise the Licensing Authority;
  - the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
  - the need for the body to be answerable to democratically elected persons rather than any particular invested interest group etc.
- 9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, this Authority designates Thurrock Council's Children, Education and Families Service, for this purpose.

## **10.0 INTERESTED PARTIES**

- 10.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

*'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-*

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

- 10.2 Interested parties can be persons who are democratically elected, such as Councillors and Members of Parliament. Where appropriate this will include county, parish and town councillors.

Interested parties can also be trade associations, trade unions, residents' associations and tenants' associations. Providing that these people represent those living or having business interests in the area which might be affected, no specific evidence of authorisation is required.

Otherwise, the licensing authority will generally require a third party to produce some form of authorisation to speak on behalf of the interested party.

- 10.3 Whether a person is an interested party will be determined on a case by case basis. The types of organisations which may be considered to have business interests will be given a wide interpretation.
- 10.4 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complainant. This does not mean the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostels for vulnerable adults;
- The catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

**10.5** The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:

- It is not frivolous or vexatious;
- It raises issues that relate to Guidance issued by the Gambling Commission;
- It raises issues that relate to this policy;
- It relates to the Licensing Objectives

## **11.0 EXCHANGE OF INFORMATION**

11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- The provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
- The guidance issued by the Gambling Commission;
- Other relevant Legislation and Regulations

11.2 In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force;
- An enforcement officer;
- A licensing authority;
- Her Majesty’s Revenue and Customs;
- The Gambling Appeal Tribunal;
- The Secretary of State;
- Scottish Ministers; and

- Any other person or body designated by the Secretary of State in accordance with the Act.

11.3 The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose when required to do so by law.

## **12.0 PUBLIC REGISTER**

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

## **13.0 COMPLIANCE AND ENFORCEMENT**

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice.

This requires that actions should be:-

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – The Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme. All enforcement action is taken having regard to the Council's Public Protection Enforcement Policy.

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission is the enforcement body for Operating and Personal Licences. Concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

13.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities, and will have regard to best practice.

13.5 Where appropriate complaints will be investigated in accordance with the stepped approach outlined in the **Public Protection Enforcement Policy**. A copy of this document is available on the Council's website. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.

#### **14.0 DELEGATION OF POWERS**

14.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in **Appendix F**

<b>PART B PREMISES LICENCES</b>
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#### **15.0 GENERAL PRINCIPLES**

15.1 Premises Licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is thought appropriate.

15.2 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:

- Casino premises;
- Bingo premises;
- Betting premises, including tracks and premises used by betting intermediaries;
- Adult gaming centre premises (for category B3, B4, C and D machines);
- Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).

15.3 Each case will be decided on its merits, and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing Objectives concerns can be overcome.

15.4 The Licensing Authority is required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:-

- In accordance with any relevant Codes of Practice (LCCP) under section 24 of the Act;
- In accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
- Is reasonably consistent with the Licensing Objectives (subject to the two bullet points above); and

- In accordance with the Licensing Authority’s Statement of Licensing Policy (subject to the three bullet points above).

#### 15.5 **Definition of Premises:**

In the Act as ‘premises’ is defined as including ‘any place’. It is for the Licensing Authority (having due regard for the Gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

The authority takes particular note of the Gambling Commission’s Guidance with regard to applications for multiple licences for a building, or those for a specific part of the building to be licensed. The Guidance directs the Authority that premises should be configured so that children “are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating”; that “Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area”; and that “Customers should be able to participate in the activity named on the premises licence”.

Where considering applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), the Authority will consider, as per the Guidance, whether taken as a whole, the co-location of the licensed premises with other facilities may have the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

#### 15.6 **Demand:**

The authority is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

#### 15.7 **Location:**

Location will only be material consideration in the context of the Licensing Objectives.

With regard to these objectives, it is the authority’s policy, upon receipt of any relevant representations to look at specific location issues including:

- The possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. school, or vulnerable adult centres in the area;
- The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
- The size of the premises and the nature of the activities taking place;
- Areas with a high level of acquisitive crime (e.g shoplifting, burglary, theft and robbery).
- Any levels of organised crime in the area.

In order for location to be considered, the authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstances, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- When applying for a variation of a premises licence; and
- In any case, undertake a local risk assessment when applying for a new premises licence.

The authority will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The ethnic profile of residents in the area;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, shops, leisure centres and other areas where children will gather.

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability to staff to offer brief intervention and how the manning of premises affect this;

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored;
- The layout of the premises so that staff have an unobstructed view of people using the premises;
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality;
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

## 15.8 Local Area Profile

Each locality has its own character and challenges. In order to assess applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the authority may publish a local area profile. This profile, can be obtained from the [Council's website](#).

The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

The authority recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments, however an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

## 15.9 Duplication with other Regulatory Regimes:

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be granted Planning Permission or Building Control consent.

The Gambling Commission's Guidance to Licensing Authorities states:

'7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...'

'7.65 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S201 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.'

This licensing authority places due regard on these extracts from the Guidance (September 2015 version). The Licensing Authority is aware that in May 2015 the Government introduced additional planning controls in relation to betting offices, removing them from Class D2 use to a 'sui generis' use. This means that Betting Shops have been taken out of the planning 'use' classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority would expect applicants for new Gambling Premises Licences to have been granted permission to use prospective premises for the proposed operation subject of the licence application.

#### 15.10 Licensing Objectives:

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these objectives, the following will be considered:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime** – The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.



Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of Door Supervisors.

- **Ensuring that gambling is conducted in a fair and open way –**  
The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way.
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**  
In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term ‘vulnerable person’ in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or substance misuse of alcohol or drugs.

The licensing authority will consider very carefully whether applications for Premises Licences in respect of gambling premises located close to schools, centres for gambling addicts, or residential areas where there may be a high concentration of families with children, should be granted.

#### 15.11 **Conditions:**

The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises, the Authority may consider attaching individual conditions related to the licensing objectives, where there is evidence of a specific risk.-

Any conditions attached to Licences will be proportionate and will be:-

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

In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:

- Proof of age schemes
- Closed Circuit Television

- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entrances;
- Notices and signage;
- The training of staff to deal with suspect truants and vulnerable persons;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self- barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare.

This list is not exhaustive but indicative of examples.

15.12 It is recognised that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, and the winning of prizes.

#### 15.13 **Credit:**

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the licensing authority may apply conditions as to where they are sited.

#### 15.14 **Betting Machines [See Appendix A for definition]:**

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*).

15.15 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

15.16 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of Codes of Practice or Guidance issued under the Act.

## **16.0 PROVISIONAL STATEMENTS**

16.1 An application for a provisional statement may be made in respect of premises which the applicant:

- expects to be constructed;
- expects to be altered;
- expects to acquire a right to occupy.

16.2 The applicant should refer to the Act and the detailed information provided in the Guidance.

## **17.0 REVIEWS**

17.1 Application for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.

17.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Group Manager (Regulation), as being the proper persons to act on its behalf.

17.3 It is for the Licensing Authority to decide whether the review is to be carried out. This decision will generally be on the basis of whether the request for the review is relevant to the matters listed below:

- Whether the grounds for the request raises issues relevant to the principles to be applied by the Licensing Authority and set out within the Licensing Authority Statement of Policy;
- whether the grounds for the request are frivolous or vexatious
- whether the grounds for the request would certainly not cause the Authority to alter/revoke/suspend the premises licence;
- whether the grounds for the request are substantially the same as previous representations or requests for a review;
- In accordance with any relevant codes of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives.

17.4 There is no appeal, other than by way of Judicial Review, against the Authority's determination of the relevance of an application for review.

## **18.0 ADULT GAMING CENTRES**

- 18.1 An Adult Gaming Centre is defined in Appendix A. Entry to these premises is age restricted.
- 18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## **19.0 LICENSED FAMILY ENTERTAINMENT CENTRES**

- 19.1 A licensed Family Entertainment Centre is defined in Appendix A. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## **20.0 CASINOS**

- 20.1 A casino is defined in Appendix A. Entry to these premises is age restricted.
- 20.2 The Licensing Authority is empowered to pass a resolution not to issue new licences for casinos in its area.
- 20.3 Thurrock Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. The Council would consider hosting a casino in Thurrock should the ability to do so arise with any future changes in legislation.
- 20.4 In making this decision the Licensing Authority consulted widely on this specific issue.
- 20.5 Casinos and Competitive Bidding

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators that will want to run a casino. In such situations the council will run a competition in line with regulations and codes of practice issued under the Act by the Secretary of State. It should be noted that at the time this Statement of Licensing Policy was adopted this area had not been so enabled.

- 20.5 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 20.6 Betting Machines:

20.7 Conditions may be imposed in accordance with paragraphs 15.14, 15.15 and 15.16 above.

20.8 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

20.9 Credit:

Credit facilities are prohibited in casinos; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

## **21.0 BINGO PREMISES**

21.1 Bingo is defined in Appendix A. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.3 Credit:

Credit facilities are prohibited in premises licensed for Bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

## **22.0 BETTING PREMISES**

22.1 Betting is defined in Appendix A. Entry to these premises is age restricted.

22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## **23.0 BETTING MACHINES**

23.1 Conditions may be imposed in accordance with paragraphs 15.14, 15.15 and 15.16 above.

23.1 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

## **24.0 TRACKS**

24.1 A track is defined in Appendix A. Entry to these premises may be age restricted. Please refer to the Gambling Commission Guidance

24.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

#### 24.3 BETTING MACHINES

24.4 Conditions may be imposed, in accordance with paragraphs 15.14, 15.15 and 15.16 above.

24.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

#### 25.0 TRAVELLING FAIRS

25.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the Act.

25.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than ancillary amusement at the fair.

25.3 The Licensing Authority will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.

25.4 It will fall to this Licensing Authority to determine 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 a travelling fair is met. Current stakes and prizes can be found at [Appendix ?](#)

25.5 Fairs cannot be held on a piece of land for more than 27 days per calendar year, regardless of whether it is the same or different travelling fair occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses the administrative boundaries is monitored so that statutory limits are not exceeded.

<p style="text-align: center;"><b>PART C</b> <b>PERMITS/TEMPORARY OR OCCASIONAL USE</b> <b>NOTICES/REGISTRATIONS</b></p>
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#### 26.0 GENERAL

26.1 The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be attached.

## **27.0 Unlicensed Family Entertainment Centre Gaming Machine Permits**

27.1 Where a premises does not hold a Premises Licence but wishes to provide Gaming machines, it can apply to the Licensing Authority for a Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

27.2 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A **Disclosure and Barring** check for the applicant and the person having the day to day control of the premises;
- Proof of age schemes;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- Training covering how staff would deal with:-
  - unsupervised, very young children being on the premises, or
  - children causing perceived problems on/around the premises.
  - suspect truant children.

In addition, applicants should be able to demonstrate a full understanding of the maximum stakes and prizes (and that staff are suitably trained in this respect).

## **28.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

28.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D via notification to the Licensing Authority.

28.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

28.3 Premises restricted to selling alcohol only with food, will not be able to have gaming machines or apply for a Permit.

28.4 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children

and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets **and/or** help line numbers for organisations such as GamCare.
- Relevant Codes of Practice issued by the Gambling Commission.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

## **29.0 PRIZE GAMING PERMITS [See Appendix ? for definition]**

29.1 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic **Disclosure and Barring** check for the applicant and the person having the day to day control of the premises; Proof of age schemes;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- Training covering how staff would deal with:-
  - unsupervised, very young children being on the premises;
  - children causing perceived problems on/around the premises;
  - Suspected truant children.

In addition applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect).

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

## **30.0 CLUB GAMING AND CLUB MACHINE PERMITS**

30.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

30.2 Commercial clubs may apply for a club machine permit, subject to restrictions.



30.3 The gambling provided under the authority of a club gaming permit must also meet the following conditions:

(a) in respect of gaming machines:

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

(b) The public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

30.4 Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

<b>PART D</b> <b>OCCASIONAL AND TEMPORARY PERMISSIONS</b>
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### **31.0 TEMPORARY USE NOTICES (TUN)**

31.1 A 'TUN' is defined in **Appendix ?**

31.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations issued by the Secretary of State prescribe the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

31.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

31.4 The definition of "a set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises" the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

31.5 The Licensing Authority will object to Notices where it appears that there effect would be to permit regular gambling in a place that could be described as one set of premises.

### **32.0 OCCASIONAL USE NOTICES (OUN)**

32.1 Occasion Use Notices are defined in **Appendix?** Occasional Use Notices, apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.

32.2 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.

32.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

32.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

### **33.0 SMALL SOCIETY LOTTERIES**

33.1 The definition of a Small Society Lottery is contained in Appendix ? and these require registration with the Licensing Authority.

### **34.0 APPENDICIES**

34.1 Appendices have been attached to this Statement providing further information and guidance and they are intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act, or the guidance or regulations issued under the Act.

#### **A DEFINITIONS**

#### **B CONTACT DETAILS OF RESPONSIBLE AUTHORITIES**

#### **C APPLICATION PROCESS**

#### **D DESCRIPTION OF THE DISTRICT**

#### **E ADVICE FOR THOSE WHO HAVE DIFFICULTY IN UNDERSTANDING ENGLISH**

#### **F DELEGATED POWERS**

#### **G USEFUL CONTACTS**

**DEFINITIONS**

**Appendix A**

<b>Adult Gaming Centre</b>	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
<b>Authorised Local Authority Officer</b>	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
<b>AWP machines</b>	Amusement with Prizes Machines
<b>BACTA</b>	British Amusement Catering Trade Association
<b>Betting Machines</b>	A machine designed or adapted for use to bet on future real events (not a Gaming Machine).
<b>Bingo</b>	A game of equal chance.
<b>Casino</b>	An arrangement whereby people are given an opportunity to participate in one or more casino games.
<b>Casino Games</b>	Games of chance that are not equal chance gaming.
<b>Casino Premises Licence Categories</b>	<ul style="list-style-type: none"> <li>a) Regional Casino Premises Licence</li> <li>b) Large Casino Premises Licence</li> <li>c) Small Casino Premises Licence</li> <li>d) Casinos permitted under transitional arrangements</li> </ul>
<b>Child</b>	Individual who is less than 16 years old.
<b>Club Gaming Machine</b>	Permit to enable the premises to provide gaming machines

<b>Permit</b>	(3 machines of Categories B, C or D)
<b>Club Gaming Permit</b>	Permit to enable the premises to provide gaming machines (3 machines of Categories B C or D), equal chance gaming and games of chance.
<b>Conditions</b>	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <li>• Automatic provision</li> <li>• Regulations provided by Secretary of State</li> <li>• Conditions provided by Gambling Commission</li> <li>• Conditions provided by Licensing Authority</li> </ul> <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
<b>Customer Lotteries</b>	<p>Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.</p>
<b>Default Conditions</b>	<p>Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.</p>
<b>Delegated Powers</b>	<p>Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.</p>
<b>Disorder</b>	<p>No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.</p>

<b>Equal Chance Gaming</b>	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
<b>Exempt Lotteries</b>	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission.</p> <p>There are 4 types:</p> <ul style="list-style-type: none"> <li>• Small Society Lottery (required to register with Licensing Authorities.</li> <li>• Incidental Non Commercial Lotteries</li> <li>• Private Lotteries</li> <li>• Customer Lotteries</li> </ul>
<b>Exchange of Information</b>	Exchanging of information with other regulatory bodies under the Gambling Act.
<b>External Lottery Manager</b>	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
<b>Gaming</b>	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. The prizes will be determined by the operator before the play commences.
<b>Gaming Machine</b>	<p>Machine covering all types of gambling activity, including betting on virtual events.</p> <p>Categories</p> <p><i>Max. Stake Max Prize</i></p> <p>A Unlimited</p> <p>B1 £5     £10000 *</p>

	<p>B2 £100 £500</p> <p>B3 £2 £500</p> <p>B3A £2 £500</p> <p>B4 £2 £400</p> <p>C £1 £100</p> <p>D – money prize 10p £5</p> <p>D – non-money prize (other than crane grab machine or a coin pusher or penny falls machine) 30p £8</p> <p>D – non-money prize (crane grab machine) £1 £50</p> <p>D – money prize (other than a coin pusher or penny falls machine) 10p £5</p> <p>D – combined money and non-money prize (other than a coin pusher or penny falls machine) 10p £8 (of which no more than £5 may be a money prize)</p> <p>D – combined money and non-money prize (coin pusher or penny falls machine) 20P £20 (of which no more than £10 may be a money prize).</p> <p>*with the option of a maximum £20,000 linked progressive jackpot on a premises basis only.</p>
<b>Guidance to Licensing Authorities</b>	Guidance issued by the Gambling Commission 5 <sup>th</sup> edition dated September 2015
<b>Incidental Non Commercial Lottery</b>	A lottery promoted wholly for purposes other than private gain, and which are incidental to non-commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).
<b>Interested Party</b>	<p>A person who:</p> <p>Lives sufficiently close to the premises to be likely affected by the authorised activities</p> <ul style="list-style-type: none"> <li>• Has business interests that might be affected by the authorised activities</li> <li>• Represents persons in either of the above groups</li> </ul>

<b>Large Lottery</b>	Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.
<b>Licensed Lottery</b>	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.
<b>Live Gaming</b>	Gambling on a live game as it happens.
<b>Lottery</b>	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
<b>Lottery Tickets</b>	<p>Tickets that must:</p> <ul style="list-style-type: none"> <li>• Identify the promoting society;</li> <li>• State the price of the ticket, which must be the same for all tickets;</li> <li>• State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager; and</li> <li>• State the date of the draw, or enable the date of the draw to be determined.</li> </ul>
<b>Mandatory Conditions</b>	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.

<b>Members Club</b>	<p>A club that must</p> <ul style="list-style-type: none"> <li>• have at least 25 members</li> <li>• be established and conducted ‘wholly or mainly’ for purposes other than gaming</li> <li>• be permanent in nature</li> <li>• not established to make commercial profit</li> <li>• controlled by its members equally.</li> </ul>
<b>Non-commercial event</b>	<p>An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.</p>
<b>Non Commercial Society</b>	<p>A society established and conducted:</p> <ul style="list-style-type: none"> <li>• for charitable purposes</li> <li>• for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or</li> <li>• for any other non-commercial purpose other than that of private gain</li> </ul>
<b>Occasional Use Notice</b>	<p>Betting may be permitted on a ‘track’ without the need for a full Premises Licence.</p>
<b>Operating Licences</b>	<p>Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non-remote gambling.</p>
<b><u>Organised Crime</u></b>	<p><u>Wider definition to include “activity conducted by an organised crime group” , which is defined as “a group which has its purpose, or one of its purposes, the carrying on of criminal activities and consists of three or more people who agree to act together to further that purpose”</u></p>



<b>Permits</b>	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
<b>Personal Licence</b>	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
<b>Premises</b>	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
<b>Premises Licence</b>	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres
<b>Private Lotteries</b>	<p>3 Types of Private Lotteries:</p> <ul style="list-style-type: none"> <li>• Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society</li> <li>• Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises</li> <li>• Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;</li> </ul>
<b>Prize Gaming</b>	Where 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. The prizes will be determined by the operator before play commences.

<b>Prize Gaming Permit</b>	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
<b>Provisional Statement</b>	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <ul style="list-style-type: none"> <li>• Expects to be constructed</li> <li>• Expects to be altered</li> <li>• Expects to acquire a right to occupy.</li> </ul>
<b>Relevant Representations</b>	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
<b>Simple Lottery</b>	An arrangement where: <ul style="list-style-type: none"> <li>• Persons are required to pay to participate in the arrangement</li> <li>• In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and</li> <li>• The prizes are allocated by a process which relies wholly on chance.</li> </ul>
<b>Small Lottery</b>	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.
<b>Small Society Lottery</b>	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

<b>Society</b>	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
<b>Statement of Principles</b>	Matters taken into account when considering an applicant's suitability for applications for FEC Permits and prize gaming permits.
<b>Temporary Use Notice</b>	To 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.
<b>Track</b>	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
<b>Travelling Fair</b>	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
<b>Virtual Betting</b>	Machine that takes bets on virtual races, i.e. mages generated by computer to resemble races or other events.
<b>Vulnerable Persons</b>	<p>No set definition, but likely to mean groups to include people who:-</p> <ul style="list-style-type: none"> <li>• Gamble more than they want to;</li> <li>• Gamble beyond their means;</li> <li>• Who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.</li> </ul>

<b>Young Person</b>	An individual who is not a child but who is less than 18 years old.
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## APPENDIX B

### Gambling Act 2005 Responsible Authorities

#### Licensing Authority

The Licensing Authority	Thurrock Council Civic Offices New Road Grays Essex RM17 6SL
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#### Responsible Authorities

Essex Police	Essex Police Licensing Department PO Box 12306 Witham Essex CM8 2AS
The Fire and Rescue Authority	Essex Fire Authority Thurrock & Brentwood Command Fire Station Hogg Lane Grays Essex RM17 5QS
The Local Planning Authority	Development Control Division Thurrock Council Civic Offices New Road Grays Essex RM17 6SL
The Local Authority with functions related to prevention of risk of pollution of the environment	Environmental Health Team Public Protection Thurrock Council Civic Offices New Road Grays Essex RM17 6SL

<p>The body designated by the Licensing Authority as being competent to advise on the Authority about protection of children from harm</p>	<p>Children, Education and Families Thurrock Council Civic Offices New Road Grays Essex RM17 6SL</p>
<p>The Gambling Commission</p>	<p>Victoria Square House Victoria Square Birmingham B2 4BP</p>
<p>HM Revenue and Customs</p>	<p>The Proper Officer HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY</p>

**This guidance covers those aspects that are the responsibility of the Licensing Authority only; guidance on aspects dealt with by the Gambling Commission can be obtained via the following link: - [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)**

### **Premises licences**

A premise's licence is required for any premises where gambling activity is carried out of a type requiring personal and operator's licences to have been issued by the Gambling Commission.

An application may only be made by persons having the right to occupy the premises and who have, or have applied for, an operating licence allowing the proposed activities to be carried out. The premise's licence cannot be granted until the necessary operator's licence has been issued.

Premise's licences are issued by the Licensing Authority and are required for casinos, bingo premises, betting premises (including tracks and premises used by betting intermediaries) adult gaming centres and family entertainment centres providing category C gaming machines.

A licence is restricted to one premise only. However one set of premises may have separate licences issued in respect of different parts of the building.

Licensing authorities are obliged to grant an application for a premise's licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Statement of Licensing Principles. Licence will be subject of mandatory and default conditions applied by regulations issued under the Act.

Premise's licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the licensing authority.

### **Bingo, Betting, Arcades (Adult gaming centres & Licensed family entertainment centres)**

Applicants wishing to commence operating on or after 1 September 2007 may apply from 1 January 2007 to the Gambling Commission for an operator's licence and from 31 January 2007 to the Licensing Authority for a premise's licence.

### **Tracks**

An operator's licence is not required from the Gambling Commission to operate a track but a premise's licence from the Licensing Authority is required. A number of premise's licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires operators to hold either a general betting operator's licence or a pool betting operating licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse-tracks) and by the premise's licence-holder (in relation to dog-tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the premise's licence-holder provided they hold a pool betting operator's licence (for siting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

Betting machines may also be operated at tracks (see *'Betting machines'*).

**The licensing process is the same as for other premises described above.**

### **Betting machines**

Betting machines are used for accepting bets on live events such as racing, in place of making bets at a counter, e.g. in a betting shop or on a track. These machines are not classed as gaming machines. The Licensing Authority may impose a limit on the number of betting machines that may be used in conjunction with a premise's licence.

### **Gaming machine supply & repair**

These activities require operator's licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

### **Gaming machines in licensed premises**

Premises licences issued under the Gambling Act 2005 automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted (but see also *'Tracks'*).

The Gambling Act 2005 introduces new classes of gaming machines, as shown in figure 1 below. The category and number of machines that may be operated under a premise's licence are shown in figure 2 below.

**Fig. 1**

<b>Category of machine</b>	<b>Maximum Stake £</b>	<b>Maximum Prize £</b>
A	Unlimited	Unlimited
B1	£5	£10000*
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine or coin pusher or penny falls machine)	30p	£8



D – non-money prize (crane grab machine)	£1	£50
D – Money prize (other than a coin pusher or penny falls machine)	10p	£5
D- combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money can non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be money prize)

\* with the option of a maximum £20,000 linked progressive jackpot on a premises basis only.

**Fig. 2**

Type of Authorisation	Machine Categories Permitted						
	A	B1	B2	B3 B3A	B4	C	D
<b>Regional casino (table/ machine ratio of 25-1 up to maximum)</b>	Maximum of 1250 machines (subject to a machine/table ratio). Any combination of machines in categories A to D (except for B3A machines).						
<b>Large casino (table/ machine ratio of 5-1 up to maximum)</b>	X	Maximum of 150 machines (subject to a machine/table ratio). Any combination of machines in categories B to D (except for B3A machines).					
<b>Small casino (table/ machine ratio of 2-1 up to maximum)</b>	X	Maximum of 80 machines (subject to a machine/table ratio). Any combination of machines in categories B to D (except for B3A machines)					
<b>Converted Casino Premises Licence (Pre-2005 Act Casinos)</b>	X	Maximum of 20 machines (no machine/table ratio). Any combination of machines in categories B to D or C or D machines instead (except for B3A machines).					
<b>Betting premises (other)</b>	X	X	Maximum of 4 machines. Any combination of machines in categories B2 to D (except for B3A machines).				
<b>Betting premises (Track)</b>	X	X	As Betting (other), but only if the licence-holder also holds a Pool Betting Operating Licence.				

<b>Bingo Premises</b>	X	X	X	20% of total gaming machines#		Unlimited	
<b>Adult gaming centre</b>	X	X	X	20% of total gaming machines #		Unlimited	
<b>Family Entertainment Centre Premises Licence</b>	X	X	X	X	X	Unlimited	
<b>Family Entertainment Centre Gaming Machine Permit</b>	X	X	X	X	X	X	Unlimited
<b>Club Gaming Permit or Club Machine Permit</b>	X	X	X	Maximum of 3 machines Members clubs – from Cat. B3a/B4/C/D Commercial clubs – from Cat. B4/C/D			
<b>Alcohol-licensed premises Automatic entitlement</b>	X	X	X	X	X	1 or 2 machines of category C or D LA must be notified	
<b>Alcohol licensed premises Gaming Machine Permit</b>	X	X	X	X	X	As allowed by permit	
<b>Travelling fair (no authorisation required)</b>	X	X	X	X	X	X	Unlimited
	A	B1	B2	B3 B3A	B4	C	D

X = category of machines not permitted on this type of premises)

# AGC/Bingo premises in existence before 13 July 2011 or granted between 13/07/2011 and 01/04/2014 may provide 4 or 8 (respectively) category B machines, or up to 20% of the total number if this is greater.

Minimum age of 18 years to use Category A, B and C machines. No age limit on Category D machines.

## Temporary Use Notices (TUNs)

A TUN may only be issued by a person or company holding an operating licence relevant to the proposed temporary use of the premises and may be issued in respect of a 'set of premises' for a maximum of 21 days in any 12- month period. (NB. A TUN may not be issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.

In considering whether a place falls within the definition of "a set of premises", the Licensing Authorities will consider, amongst other things, the ownership / occupation and control of the premises.

The Licensing Authority should generally aim to permit gambling activities under a TUN but will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

### Issue

Not less than 3 months and 1 day prior to the day on which the gambling event is to take place, a TUN must be given to: -

- the Licensing Authority,
- the police,
- HM Commissioners for Revenue and Customs, and, if applicable,
- any other licensing authority in whose area the premises are situated.

The notice must include details of: -

- the date the notice is given,
- the gambling activity to be carried on,
- the premises where it will take place,
- the dates and times it will take place,
- any periods during the preceding 12 months that a TUN has had effect for the same premises, and
- any other information prescribed by regulations.

If there are no objections, the notice will be endorsed by the Licensing Authority and returned to the issuer for display upon the premises at the time the activity takes place.

### Objections

Having regard to the licensing objectives, those authorities upon whom the TUN is served may make objections within 14 days of the date of the notice to the gambling activity taking place. Objections must be made to the Licensing Authority and TUN issuer.

Modifications to the notice may be suggested by those objecting to it. If accepted by the issuer, a new notice must be issued. It should be noted that the 3 month, 1 day

time limit and a new fee will not apply to the new notice, nor may the original objector/s object to the new notice.

A hearing must be held before the Licensing Sub-Committee to hear representations from all parties, unless agreement is reached that a hearing is unnecessary, e.g. by modification of the notice, within 6 weeks of the date of the notice.

Following a hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities permitted, the time period when activities may take place and any conditions that are imposed.

### **Occasional Use Notices (OUNs)**

Occasional Use Notices may only be issued in relation to tracks that are used on eight days or less in a calendar year.

A track can be any part of a premise on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.

OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a betting premises licence for the track.

#### **Issue**

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track.

The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.

#### **Objections**

Generally objections may not be made to the issue of an OUN, except the Licensing Authority must issue a counter notice where the effect of the OUN would result in betting facilities being made available for more than 8 days in a calendar year.

## PREMISES LICENCES

PREMISES WHERE AN OPERATOR'S LICENCE HAS BEEN GRANTED TO OPERATE A CASINO, BINGO PREMISES, BETTING PREMISES, ADULT GAMING CENTRE OR LICENSED FAMILY ENTERTAINMENT CENTRE

1. Attach required documentation
2. Pay prescribed fee

1. Licence lasts indefinitely unless surrendered, revoked, etc.
2. Annual charge payable to licensing authority

1. Annual charge payable to Licensing Authority

## GAMING PERMITS

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by: -

- Gaming machines in alcohol-licensed premises, member's clubs, unlicensed family entertainment centres (FEC's) and certain other premises, e.g. taxi offices (see 'Other premises' below);
- Equal chance gaming, games of chance and gaming machines in member's clubs; and
- Prize gaming, e.g. at travelling fairs.

## GAMING MACHINES

The Gambling Act 2005 introduces new classes of gaming machines that may be operated under a permit, as shown in figure 3 below.

**Fig. 3**

<b>Category of machine</b>	<b>Maximum Stake £</b>	<b>Maximum Prize £</b>
B3A	2	500
B4	2	400
C	1	100
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	8
D – non-money prize (crane grab machine)	1	50
D – non-money prize (other than a coin pusher or penny falls machine)	10p	5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-Money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

The category and number of machines that may be operated under a premise's licence are shown in figure 2 above.

**Fig. 4**

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Clubs or miners' welfare institutes with permits					Maximum of 3 machines Members clubs – from Cat. B3a/B4/C/D Commercial clubs – from Cat. B4/C/D			
Alcohol Licensed Premises Automatic Entitlement					1-2 machines LA must be notified			
Alcohol Licensed Premises Gaming Machine Permit					As allowed by permit			
Family entertainment centre (with permit)								Unlimited
Travelling fair								Unlimited

### **ALCOHOL LICENSED PREMISES**

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

Premises holding a premise's licence may be authorised to operate machines of class C or D provided the premise's licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

### **AUTOMATIC ENTITLEMENT**

The Gambling Act 2005 gives an automatic entitlement for the holder of a premise's licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a permit is not required but premise's licence-holders must notify their Licensing Authority in writing of their intention to provide the machines, and pay the prescribed fee.

The entitlement may be withdrawn if provision of the machines is not reasonably consistent with the pursuit of the licensing objectives; gaming has taken place on the premises that has breached a condition of the Act, e.g. they do not comply with siting and operation requirements; the premises are mainly used for gaming; or where an offence under the Gambling Act 2005 has been committed on the premises.

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

## **NEW PERMITS**

Where the holder of a premise's licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

In determining an application for an increase in the number of machines, the Licensing Authority will consider: -

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
- any documentary evidence, e.g. supporting statistical evidence providing details of usage, etc.;
- each application on its own merits;
- the Codes of Practice or Guidance issued under the Gambling Act 2005.

Where the Authority grants the application, a permit will be issued for the number of machines authorised, which will include the automatic entitlement of 2 machines.

Where the Authority intend to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary

Where the premise's licence is transferred, the gaming machine permit must also be transferred or it will lapse. In all other cases the permit will last indefinitely, unless surrendered or revoked.

Although the permit will not need to be renewed, an annual charge will have to be paid to the Licensing Authority.

A permit issued under section 34 that is in force on 1 September 2007 will continue to have effect until its natural expiry date.

Where a 'section 34 permit' for 2 or less machines expires after 1 September 2007, at least 2 months before its expiry the premise's licence-holder must notify the Licensing Authority in writing of their intention to provide 2 (or less) machines and pay the prescribed fee.

Where a 'section 34 permit' for more than 2 machines expires after 1 September 2007, the premise's licence-holder must apply for a new permit at least 2 months before its expiry and pay the prescribed fee. A new permit must be issued for the same number of machines the previous permit authorised.



## **MEMBERS' CLUBS**

The Gambling Act 2005 permits a member's club holding a club premise's certificate issued under the Licensing Act 2003, or miner's welfare institute, to hold a **club gaming permit** allowing participation in equal chance gaming or playing games of chance (see 'Appendix A' for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either class B3A, B4, C or D.

The Act also permits a member's club holding a club premise's certificate or a commercial club holding a premise's licence under the Licensing Act 2003 to operate a maximum of 3 machines of either class B4, C or D under a **club machine permit**.

### **New permits**

Applications for a permit for premises already holding a club premise's certificate are subject to a 'fast-track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

An application under this process may be refused if the club is established primarily for gaming (other than that permitted); if in addition to the permitted gaming, facilities are provided for other gaming; or that a club machine permit issued to the applicant within the preceding 10 years has been cancelled.

An application and payment of the prescribed fee is required. A permit has effect for 10 years unless surrendered or revoked.

Applications for a permit for premises not holding a club premise's certificate e.g. a commercial member's club with a premise's licence, may be refused by the Licensing Authority on the grounds that the applicant does not fulfil the requirements for a member's or commercial club; the premises are used wholly or mainly by children and / or young persons; an offence under the Act or breach of a permit has been committed by the applicant while providing gaming facilities; a permit held by the applicant has been cancelled in the previous 10 years; an objection has been made by the police or Gambling Commission.

Permits may be varied at any time to meet changing circumstances, other than an increase above 3 to the number of machines. Licensing authorities may only refuse a variation if, on consideration of the proposed variation as a new application, they would refuse a permit.

A permit will lapse if the holder no longer qualifies as a member's club or no longer qualifies under the 'fast-track' system, or the permit is surrendered. A permit may be cancelled if the premises are used wholly or mainly by children and / or young persons or where an offence under the Act or breach of a permit condition has been committed by the applicant in the course of gaming activities.

**Permits are valid for 10 years from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the licensing authority.**

A registration that is in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a club gaming permit or club machine permit irrespective of the type of registration previously held.

An application for a new club machine permit must be made at least 2 months before the existing registration expires together with the prescribed fee.

### **OTHER PREMISES**

Premises such as taxi offices, take-away restaurants, cafes etc are prohibited from obtaining a gaming machine permit under the Gambling Act 2005 and will be unable to operate gaming machines of any kind-

### **UNLICENSED FAMILY ENTERTAINMENT CENTRES**

The Licensing Authority may grant an application for a permit for category D gaming machines in an unlicensed family entertainment centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

The Authority will apply its Statement of Principles in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the **Disclosure and Barring Service (DBS)** in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the **DBS** certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

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

Where the Authority intends to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Permits will last for 10 years unless it ceases to have effect because it is surrendered, it lapses or it is renewed. There is no annual charge payable to the Licensing Authority.

Unlicensed FECs may also offer equal chance gaming under the authority of their gaming machine permit.

### **New permits**

Applications for new permits may be made to the Licensing Authority

## **PRIZE GAMING**

Prize gaming may be carried on in premises under a permit issued by the Licensing Authority. A prize gaming permit will not authorise the use of gaming machines.

The Authority may apply its Statement of Principles in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

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

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the **Disclosure and Barring Service (DBS)** in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the **DBS** certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

Where the Authority intends to refuse an application, the applicant must be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

A prize gaming permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

## **New permits**

Applications for new permits may be made to the Licensing Authority.

## **Prize gaming without a permit**

Prize gaming without a Prize Gaming Permit may be carried on in any premises with a Premise's Licence issued under the Gambling Act 2005, except that casinos may not offer prize bingo.

Unlicensed FECs may also offer equal chance gaming only, under the authority of their gaming machine permit.

Travelling fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

## **TRAVELLING FAIRS**

Travelling fairs do not require a permit to provide gaming machines but must comply with codes of practice on how they are operated.

Travelling fairs may provide an unlimited number of category D machines and prize gaming in the form of equal chance gaming provided that facilities for gambling amount to no more than ancillary amusement at the fair.

## ALCOHOL LICENSED PREMISES

PREMISES WHERE THE LICENCE PERMITS THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AND THE SALE IS NOT CONDITIONAL UPON FOOD BEING SOLD MAY HAVE GAMING MACHINES OF CLASS C OR D

### UP TO 2 MACHINES

1. Automatic entitlement to 2 machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee

### MORE THAN 2 MACHINES

1. Apply to Licensing Authority
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee

1. Permit has effect from date of grant unless surrendered or cancelled
2. Annual charge to be paid to Licensing Authority

1. Licensing authority can withdraw entitlement for 2 machines where their provision is not consistent with licensing objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
2. Licensing authority can cancel a permit where the premises are used wholly, or mainly, by children or young persons or an offence under the Act has been committed.

### BUT

1. Permit holder must be given 21 days notice of the intention to withdraw or cancel
2. Hearing must be held if permit holder requests one
3. Withdrawal or cancellation has no effect until 21 days has elapsed from notice being served where no hearing is requested or 21 days following a hearing or appeal.

## MEMBERS' CLUBS

MAXIMUM OF 3 CATEGORY B3A, B4, C OR D MACHINES

Applications for new permits and renewals must be made to Licensing Authority

**ATTACH TO APPLICATION**

1. Club Premises Certificate (for fast track applications)
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

1. Copy of application and accompanying documents to police & Gambling Commission
2. Objections may be made (except to 'fast-track' applications)
3. Permit lasts 10 years

Application for grant may be refused if: -

1. Applicant does not qualify as a member's or commercial club or miner's welfare institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.
5. An objection has been made by police or Commission.

Application for renewal must be sent to licensing authority with fee between 3 and 6 weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

## UNLICENSED FAMILY ENTERTAINMENT CENTRE

PERMIT MAY BE ISSUED FOR PREMISES WHOSE PRIMARY USE IS AS AN UNLICENSED FAMILY ENTERTAINMENT CENTRE TO HAVE AN UNLIMITED NUMBER OF GAMING MACHINES OF CLASS D

NEW PERMIT TO OPERATE

1. Attach information required by Statement of Principles
2. Attach plan of premises showing location of machines
3. Consult Chief of Police
4. Pay prescribed fee

Application for grant may be refused if the grant would not be reasonably consistent with the licensing objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to licensing authority with fee between 2 and 6 months before permit expires and may only be refused if an authorised officer has been refused access to the premises w/o reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Permits will lapse if: -

1. Licensing authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitate, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew it.

## PRIZE GAMING PERMIT

PRIZE GAMING PERMITS MAY ONLY BE ISSUED IN RESPECT OF PREMISES FOR WHICH THERE IS NO PREMISES LICENCE OR CLUB GAMING PERMIT ISSUED UNDER THE GAMING ACT 2005

1. Attach information required by Statement of Principles
2. Attach plans of premises
3. Pay prescribed fee

Application for grant may be refused if the grant would not be reasonably consistent with the licensing objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to licensing authority with fee between 2 and 6 months before permit expires and may only be refused if an authorised officer has been refused access to the premises w/o reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Permits will lapse if: -

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitate, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew it



## LOTTERIES

A lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

The Gambling Act 2005 defines 4 categories of lottery that are exempt from needing an operating licence: -

- Incidental non-commercial lottery
- Private lottery
- Customer lottery
- Small society lottery

Only a small society lottery is required to be registered with the Licensing Authority.

Applications must be made by the promoting society to the licensing authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare: -

- the purposes for which the society is established,
- that they represent a bona fide non-commercial society, and
- that they have no relevant convictions.

The Licensing Authority may refuse an application if: -

- they consider the applicant is not a non-commercial society,
- any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with an application is false or misleading.

An application shall be refused if an operating licence held or applied for by the applicant has been revoked or refused in the previous 5 years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intend to refuse or revoke the registration application it will give the society: -

- details of the reasons,
- evidence upon which it reached the decision, and
- the opportunity to make written and/or oral representations.

## **NEW REGISTRATIONS**

An application for registration with the prescribed fee must be made to the Licensing Authority under the Gambling Act 2005. The registration will be valid indefinitely with an annual fee being payable to the Licensing Authority.

### **Lottery requirements**

To ensure the main purposes of the lottery are met: -

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society,
- no single prize may exceed £25,000,
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25,000, and
- every ticket must cost the same and must be paid for before being entered into the draw.

### **Returns**

No later than 3 months after making the draw (or in the case of a rollover, the last draw), a return must be sent to the Licensing Authority that: -

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society, or its governing body, if it has one,
- is accompanied by a copy of the member's letter of appointment, and include the following details: -
  - the dates when tickets were available for sale,
  - the dates of any draw and value of prizes, including any rollover,
  - the proceeds raised,
  - the amounts deducted for prizes and expenses incurred in organising the lottery,
  - the amount applied or to be applied to the purposes of the promoting society, and
  - whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source/s from which they were paid.

## **EXTERNAL LOTTERY MANAGERS**

External lottery managers require operator's licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## SMALL SOCIETY LOTTERIES

PROMOTED BY A NON-COMMERCIAL SOCIETY ESTABLISHED FOR CHARITABLE PURPOSES; FOR PURPOSE OF ENABLING PARTICIPATION IN OR OF SUPPORTING SPORT, ATHLETICS OR CULTURAL ACTIVITY; OR FOR OTHER NON-COMMERCIAL PURPOSES OTHER THAN PRIVATE GAIN

### REGISTRATION TO OPERATE

1. Attach information required: -
  - (a) Purpose for which society established
  - (b) Confirm bona fides of society as non-commercial
  - (c) Declare convictions, if any
2. Pay prescribed fee
3. Registration valid for life, annual fee payable to licensing authority

### Lottery requirements: -

1. Society must apply minimum 20% of proceeds to purposes of society
2. No single prize to exceed £25000
3. Rollovers permitted provided all lotteries effected are small society lotteries & maximum single prize does not exceed £25000
4. Tickets must cost same, be paid for before being entered in draw & include details of society, price, name & address of person responsible for promotion of the lottery & date of draw  
Returns, which must be made no later than 3 months after draw, must be signed by 2 members and include details of: -
5. Dates tickets were available for sale, dates of draw & value of prizes
6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery & where any were paid for other than from proceeds of lottery, the amount and source
7. Amount to be applied to purposes of the promoting society.

### Registration may be refused if: -

1. Society is not considered to be non-commercial
2. Any person connected with promotion of lottery has been convicted of relevant offence, or
3. Information provided in application is false/misleading
4. Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years
5. Registration may be revoked where grounds exist for an application for registration to be refused.

BUT a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them & been given the opportunity to make representations.

## Appendix E

### ADVICE FOR THOSE WHO HAVE DIFFICULTY UNDERSTANDING ENGLISH

THE FOLLOWING WORDING IS TRANSLATED INTO SEVERAL LANGUAGES TO ASSIST THOSE WHOSE FIRST LANGUAGE IS NOT ENGLISH.

THE ENCLOSED PAPERS ARE VERY IMPORTANT.  
IF YOU HAVE DIFFICULTY READING OR UNDERSTANDING ENGLISH,  
PLEASE CONTACT SOMEONE WHO CAN HELP YOU IMMEDIATELY.

ALBANIAN	<p><b>Letrat e bashkangjitura jane shume te rendesishme. Nese keni veshtersi per te lexuar ose kuptuar gjuhen angleze ju lutemi kontaktoni dikend per te ju ndihmuar menjehere.</b></p>
ARABIC	<p>الصفحات المرفقة مهمة جدا إذا لديك الصعوبة لقراءة أو فهم اللغة الإنجليزية أرجو أن تتصل بأي شخص الذي بإمكانه أن تساعدك فوراً</p>
BENGALI	<p><b>এই সঙ্গে দেওয়া কাগজপত্র অত্যন্ত জরুরী। আপনার যদি ইংরেজী ভাষা পড়তে বা বুঝতে সমস্যা হয়, তাহলে এমন কারো সঙ্গে যোগাযোগ করুন যে অবিলম্বে আপনাকে সাহায্য করতে পারবে।</b></p>
CHINESE	<p>夾附的文件非常重要。 如果你看不懂英文， 請立即與能夠幫助你的人聯絡。</p>
GUJARATI	<p>આ સાથે બીડલાં કાગળો બહુ જ અગત્યના છે. જો તેની વિગત તમને અંગ્રેજીમાં વાંચવામાં અને સમજવામાં મુશ્કેલી પડતી હોય તો, મહેરબાની કરી કોઈ વ્યક્તિને સંપર્ક કરો જે તમને તુરંત મદદ કરી શકે.</p>
HINDI	<p>साथ दिए गए कागज़ात बहुत ज़रूरी हैं। यदि आपको अंग्रेज़ी पढ़ने या समझने में मुश्किल आती है तो कृपया किसी से कहें जो तुरंत आपकी मदद कर सके।</p>

KURDISH	<p>نەم پەرانەى ھاوینچکراون زۆر گرنگن  نەگەر تۆ گرفتت ھەبە لەگەڵ خۆیندەنەوہ یان تیگەیشتنی نوسراوی ئینگلیزی  نەوا نکایە پەبوہندی بە یەکیکەوہ بکە کہ بتوانییت بە زووترین کات یارمەتی بەدات</p>
PUNJABI	<p>ਨਾਲ ਦੇ ਕਾਗਜ਼ਾਤ ਬਹੁਤ ਜ਼ਰੂਰੀ ਕਾਗਜ਼ ਹਨ। ਜੇ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਪੜ੍ਹਨ ਜਾਂ ਸਮਝਣ  ਚ ਕੋਈ ਦਿੱਕਤ ਹੁੰਦੀ ਹੋਵੇ, ਤਾਂ ਮਿਹਰਬਾਨੀ ਕਰਕੇ ਕਿਸੇ ਨੂੰ ਆਖੋ, ਜੋ  ਤੁਹਾਡੀ ਫ਼ੌਰਨ ਮਦਦ ਕਰ ਸਕਦਾ/ਸਕਦੀ ਹੋਵੇ।</p>
TURKISH	<p>İlişikteki kağıtlar çok önemlidir.  İngilizceyi okumakta veya anlamakta zorluk çekiyorsanız size  derhal yardım edebilecek birisiyle lütfen temas kurunuz.</p>
URDU	<p>منسلک کئے گئے کاغذات بہت ضروری ہیں۔  اگر آپ کو انگریزی پڑھنے اور سمجھنے میں کسی دشواری کا سامنا ہے،  تو براہ کرم کسی سے رابطہ کریں جو فوری طور پر آپ کی مدد کر سکے۔</p>

- 1 In relation to licensing functions the panels will decide all applications against which representations have been made and not withdrawn. These are:
- (a) (i) Section 18(3) (Determination of Application for Premises Licence where representations have been made).
  - (ii) Section 31(3) (Determination of Application for Provisional Statement where representations have been made).
  - (iii) Section 35(3) (Determination of Application for Variation of Premises Licence where representations have been made).
  - (iv) Section 39(3) (Determination of Application to Vary Designated Premises Supervisor following police objection).
  - (v) Section 44(5) (Determination of Application for Transfer of Premises Licence following police objection).
  - (vi) Section 48(3) (Consideration of police objections made to Interim Authority Notice).
  - (vii) Section 72(3) (Determination of Application for Club Premises Certificate where representations have been made).
  - (viii) Section 85(3) (Determination of Application to Vary Club Certificate where representations have been made).
  - (ix) Section 105(2) (Decision to give counter notice following police objection to temporary event notice).
  - (x) Section 120(7) (Determination of Application for Grant of Personal Licence following police objection).
  - (xi) Section 121(6) (Determination of Application for Renewal of Personal Licence following police objection).
  - (xii) Section 124(4) (Revocation of Licence where convictions came to light after grant etc.).
- (b) Any function under Section 52(2) or (3) (determination of application for review of Premises Licence) in a case where relevant representations (within the meaning of Section 52(7)) have been made;
- (c) Any function under Section 88(2) or (3) (determination of application for review of Club Premises Certificate) in a case relevant representations (within the meaning of Section 88(7)) have been made; or

- (d) Any function under Section 167(5) (Review following Closure Order) in a case where relevant representations (within the meaning of Section 167(9)) have been made.
2. The Manager of Environmental Health and Community Safety and Environmental Health Managers be given delegated responsibility for all other functions under the Act.
  3. That the Manager of Environmental Health and Community Safety and the Environmental Health Managers can following the decision to call a hearing, agree to cancel the hearing if all parties agree one is unnecessary.
  4. That the Manager of Environmental Health and Community Safety and the Environmental Health Managers in conjunction with the Manager of Legal Services agree that a representation is frivolous, vexatious or repetitious.

## LIST OF CONSULTEES

## Appendix G

The following organisations and individuals were consulted as part of the formal consultation exercise on the Statement of Gambling Licensing Policy:

- All responsible Authorities for the Gambling Act;
- Holders of Amusement with Prizes Permits under the Gaming Act 1968;
- Elected Members of the Thurrock Council;
- All premises in the borough licensed for the sale or supply of alcohol;
- Betting shops, bingo halls licensed under the Gaming Act 1968;
- Businesses known to be supplying gaming machines to premises in the district;
- Religious groups
- Trade Associations including BACTA, the Bingo Association, the Association of British Bookmakers Ltd and the British Beer and Pub Association;
- Voluntary and support groups including Gamblers Anonymous, Money Support Trust, GamCare and the Citizens Advice Bureau;
- Licensing Consultants and Legal Advisers in private practice, who requested a copy;
- Thurrock Community Safety Partnership.

In addition to the above, copies of the draft Statement of Gambling Licensing Policy were made available on the Council's website and press releases were arranged.



## **USEFUL CONTACTS**

## **Appendix H**

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk). Some of these organisations provide codes of practice on their particular interest area.

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**Licensing Committee  
Work Programme  
2016/17**

Dates of Meetings: 7 July 2016, 18 October 2016, 7 February 2017.

<b>Topic</b>	<b>Lead Officer</b>	<b>Requested by Officer/Member</b>
<b>7 July 2016</b>		
CSE Driver training		Officer
Gambling Policy – Draft for consultation		Officer
Sex Shop Standard Licence conditions – review.		Officer
Applications and appeals update		Officer
<b>18 October 2016</b>		
Gambling Policy final version		Officer
Taxi PATS training review		Officer
Operators Licence application procedure.		Officer
Street Trading Policy – Draft for consultation.		Officer
Fee Review		Officer

Applications and appeals update		Officer
<b>7 February 2017</b>		
Animal Licensing Policy??		Officer
Street Trading final version.		Officer
Applications and appeals update		Officer