



WORTHING BOROUGH  
COUNCIL



GAMBLING ACT 2005

STATEMENT OF GAMBLING LICENSING  
POLICY AND PRINCIPLES

Adopted: 22 February 2022

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## Part A – The Gambling Act 2005

### 1. THE LICENSING OBJECTIVES

1.1 In exercising its functions under the Gambling Act 2005 Worthing Borough Council, as the Licensing Authority, must have regard to the Licensing Objectives as set out in section 1 of the Gambling Act 2005 (The Act). The three Licensing Objectives are:

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.2 This Licensing Authority is aware that, as per Section 153 of the Act, it has a legal duty placed on it to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that the licensing authority must approach its functions in a way that seeks to regulate gambling by using its powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether. In making decisions about premises licences and temporary use notices it will aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the Licensing Objectives and
- in accordance with the authority’s Statement of Licensing Policy

### 2. INTRODUCTION

2.1 This Policy Statement is produced in accordance with the requirements of the Gambling Act 2005 (the Act), the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, Licence Conditions, Codes of Practice (LCCP and the Gambling Commission’s Guidance to Local Authorities (April 2021 available from: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)). The Statement sets out the principles the Council will apply when carrying out its gambling licensing functions. In preparing this Statement the Licensing Authority has consulted widely with statutory bodies, stakeholders and members of the public. This policy will be operational from 22 February 2022.

- 2.2 All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2021 (and parts updated in May 2021) available from [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)
- 2.3 Worthing is situated in the County of West Sussex which contains seven Councils in total; Worthing is a compact urban seaside borough. It is one of the largest towns in West Sussex with a population of nearly 105,000 covering an area of 3300 hectares. Adur District Council and Worthing Borough Council are served by a single officer structure. However, they remain separate Licensing Authorities with separate licensing policies that reflect the needs and aspirations of those living and working within their own areas.
- 2.4 Under the provisions of the Act the Gambling Commission is responsible for determining applications for Operating Licences and Personal Licences, whilst the Council, as the Licensing Authority, is responsible for determining applications for Premises Licences and Permits.
- 2.5 In accordance with Section 153 of the Act the presumption should be for the Licensing Authority to permit the use of a premise for gambling, provided that this is consistent with paragraphs 2.6 and 2.7 below, and with the remainder of this Policy Statement. Each application will be considered on its own merits.
- 2.6 In exercising its functions the Licensing Authority will have regard to the Licensing Objectives set out in Section 1 of the Act and detailed in Section 1 of this Policy.
- 2.7 The Licensing Authority will also give due regard to any relevant guidance or code of practice issued by the Gambling Commission. The Commission has the power to issue two types of code of practice. The first is a social responsibility (SR) code. A SR code must be followed and has the force of a licence condition. The Commission may also issue ordinary codes (OC) which are intended to set out best industry practice. They are not mandatory but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective.
- 2.8 Under the 2005 Act the Licensing Authority has a legal duty to review its statement of policy at intervals of at least every 3 years and will seek to obtain consensus regarding the main elements of this policy amongst stakeholder groups, to provide partnership working to achieve high standards and good practice.
- 2.9 The Licensing Authority, in addition to administering the Gambling Act 2005, is also responsible for licensing a wide range of other activities including premises and persons under the Licensing Act 2003 for alcohol, entertainment and late night refreshment; Taxis (Hackney Carriages & Private Hire), Street Trading, Animal Establishments, Charitable Collections, Scrap Metal Dealers, Sex Establishments, Skin Piercing, Tattoo Parlours and various other licensable activities.

### **3. POLICY STATEMENT AND CONSULTATION**

- 3.1 Worthing Borough Council, as the Licensing Authority, is required by the Gambling Act 2005 to publish a statement of the principles that it proposes to apply when exercising its functions. As stated this statement of Policy must be re-published at least every three years but can be reviewed sooner if required and any amended parts re-consulted upon. The statement must then be re-published.
- 3.2 There are a number of groups who have a stake in the gambling industry, including providers, customers, residents and enforcers, all who have views and concerns that require consideration as part of the gambling licensing function.
- 3.3 Before publishing the original Policy Statement in 2006, the Licensing Authority consulted with the Gambling Commission, HM Revenue & Customs, Sussex Police, West Sussex Fire & Rescue Service, the members of the Adur & Worthing Safer Communities Partnership, Head of Child Protection at West Sussex County Council, The Drug & Alcohol Action Team and the Head of Community Safety at West Sussex County Council and bodies representing local holders of premises licences, personal licences, businesses and residents in the Borough.
- 3.4 These organisations and individuals have been consulted when the policy has been reviewed previously. This latest draft of the policy contains the minimum of amendments and no changes to the intent or direction of the policy are included. As it contains such minor amendments consultation on this occasion was limited to the responsible authorities and public and for a limited period of four weeks between 1 October 2021 and 29 October 2021.
- 3.5 The Licensing Authority recognises that proper weight needs to be given to the views of all the persons/bodies consulted before this Policy Statement takes effect on 22 February 2022. It will remain in force for a period of not more than three years and will be subject to review and further consultation prior to 31 January 2025.
- 3.6 The full schedule of comments and amendments consequential to the consultation will be available by request to the Public Health & Regulation - Licensing Unit, Adur & Worthing Councils or downloadable from the website at [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)
- 3.7 This policy was approved at a meeting of the full Council following consultation and consideration of any representations by the Licensing & Control Committee on this version.

### **4. DECLARATION**

- 4.1 In producing the final licensing policy statement, Worthing Borough Council, as the Licensing Authority, declares that it has had regard to the Licensing Objectives of the Gambling Act 2005, the guidance issued by the Gambling

Commission, and any responses from those consulted on the policy statement.

## 5. LICENSABLE ACTIVITIES

5.1. This policy related to all those licensable premises, notices, permits and registrations falling within the provisions of the Act and delegated to the Licensing Authority including:

- Casino Premises Licences
- Bingo Premises Licences
- Betting Premises Licences
- Track (Horse and Dog) Premises Licences
- Adult Gaming Centre Premises Licences
- Family Entertainment Centre Premises Licences
  
- Unlicensed Family Entertainment Centre Permits
- Club Machine Permits
- Club Gaming Permits
- Prize Gaming Permits
- Licensed Premises Gaming Machine Permits
- Small Society Lottery Registrations
- Temporary Use Notices

5.2 The functions of the Licensing Authority under the Act may be carried out by the Licensing & Control Committee, a Sub-Committee or by one or more Officers acting under delegated authority.

## 6. RESPONSIBLE AUTHORITIES

6.1 The Responsible Authorities, as defined in Section 157 of the Act, are:

- The Licensing Authority
- Gambling Commission
- Sussex Police
- West Sussex Fire and Rescue Service
- Adur & Worthing Councils' – Planning Services
- Adur & Worthing Councils' – Environmental Health
- West Sussex County Council's Head of Children's Safeguarding
- HM Customs and Excise
- Any other person prescribed in regulations by the Secretary of State

### **Responsible Authority for Child Protection**

6.2 The Licensing Authority is required by regulations to state the principles it will apply to exercising its powers under Section 157 of the Act to designate in writing a body which is competent to advise the authority on the protection of children from harm. These principles are:



- The need for the body to be responsible for an area covering the whole of the licensing authority's area.
- The need for consistency with the existing arrangements under the Licensing Act 2003

Worthing Borough Council has designated the Head of Children's Safeguarding at West Sussex County Council.  
(Email: [cpu.team@westsussex.gcsx.gov.uk](mailto:cpu.team@westsussex.gcsx.gov.uk) )

## 7. INTERESTED PARTIES

- 7.1 Interested parties can make representations about premises licence applications or call for a review of an existing licence. The Act defines an interested party as a person who in the opinion of the licensing authority:
- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities or
  - b) Has business interest that might be affected by the authorised activities or
  - c) Represents persons in either of these two groups.
  - d) Who is democratically elected such as a Councillor or MP
- 7.2 The Licensing Authority is required by regulations to state the principles it will apply in determining whether a person is an interested party. The Licensing Authority has adopted the principles of natural justice and will decide each case on its merits.
- 7.3 When considering whether persons are interested parties in relation to any individual application the following will be considered:
- The size and nature of the premises
  - The distance from the person making the representation
  - The potential impact of the premises (number of customers, routes likely to be taken by customers)
  - The circumstances of the complainant (the Council may conclude that "sufficiently close" has a different meaning for, for example, a private resident and a residential hostel for vulnerable adults)
  - Persons representing a) or b) above may include Councillors, MP's, Trade Unions and residents and tenants Associations. The Council reserves the right to require written evidence that a person does represent interested parties.
- 7.4 Councillors may represent interested parties' views but care should be taken that the Councillors are not part of the Licensing & Control Committee dealing with the licence application. Applicants should contact the Licensing Unit at Adur & Worthing Councils in the first instance rather than approach their Councillor directly.



## 8. EXCHANGE OF INFORMATION

- 8.1 The Licensing Authority is required to include the principles to be applied by the authority in exercising its functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 8.2 The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 8.3 In exercising its functions under the Act the Licensing Authority has established protocols with the Commission to ensure efficient and effective exchange of information. The existing protocols established in connection with the Licensing Act 2003 are utilised for information exchange with other regulatory bodies. All information exchange is in accordance with the requirements of the Data Protection Act, General Data Protection Regulations (GDPR) and the Freedom of Information Act. The name and address of those making representations will usually be disclosed to applicants. However, they may be withheld from publication on the grounds of personal safety where the Licensing Authority has been asked to do so by and or on behalf of such persons and the Licensing Authority considers the request to be justified.

## 9. DATA PROTECTION

- 9.1 The Data Protection Act 2018 and the General Data Protection Regulation (GDPR) impacts on how the Licensing Authority collects, stores and uses the information provided to us by applicants and others; individuals or organisations.

- 9.2 Information as to how data protection legislation affects you and how the Licensing Authority uses your information, please see our Privacy Statement which is available at:

- <https://www.adur-worthing.gov.uk/licensing-and-permits/privacy-notice/>

The Gambling Commission have issued a statement on GDPR for gambling businesses / operators (updated April 2021) which is available to view by following the link below

- <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gambling-regulation-and-the-general-data-protection-regulation-gdpr>

## 10. ENFORCEMENT

- 10.1 The Licensing Authority is required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises;

and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 10.2 The Licensing Authority recognises that once licensed it is essential that premises are maintained and run in accordance with the requirements of the Act (and associated regulations) and any conditions on the licence. The Licensing Authority has extended the existing enforcement liaison arrangements with other relevant statutory bodies to incorporate these responsibilities. Enforcement action in respect of the legislative requirements is in accordance with the approved Public Health & Regulation Enforcement Policy, which is in accordance with the Enforcement Concordat. All interventions are:
- i. Proportionate and appropriate to the risks posed by any problem
  - ii. Consistent and fair in their application of standards and requirements
  - iii. Transparent and open
  - iv. Targeted and focused on the highest risk problems
- 10.3 As per the Gambling Commission's Guidance the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 10.4 The Licensing Authority has adopted and implemented a risk-based inspection programme, based on;
- The Licensing Objectives
  - Relevant codes of practice
  - Guidance issued by the Gambling Commission, in particular at Part 36
  - The principles set out in this Statement of Licensing Policy
- 10.5 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for:
- Operating Licences
  - Personal Licences
  - The manufacture, supply or repair of gaming machines
  - Remote gambling

## Part B – Promoting the Licensing Objectives

### 11. CRIME & DISORDER

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

- 11.1 The Licensing Authority places huge importance on the prevention of crime & disorder. A high standard of control is expected to be exercised over licensed premises.
- 11.2 In accordance with Section 17 of the Crime and Disorder Act 1998 the Licensing Authority is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Gambling Act 2005 itself, the Guidance issued by the Gambling Commission and this policy. The Licensing Authority will give "due regard" to all possible implications and its Licensing & Control Committee will always consider and weigh up all the information available and representations made, including those from interested parties and the Responsible Authorities particularly the Police.
- 11.3 Applicants are encouraged to discuss their proposals with the appropriate Responsible Authorities before making a formal application.
- 11.4 When considering licence applications the Licensing Authority will particularly take into account the following:-
- The location of the premises
  - The design and layout of the premises
  - The adequacy of security features such as CCTV
  - Where premises are subject to age restrictions, the procedure in place to conduct age verification checks
- 11.5 The Licensing Authority will consider carefully the views of the Police as to whether specific controls need to be applied to prevent a premise from being a source of crime and disorder.

### 12. FAIR & OPEN

#### **Ensuring Gambling is conducted in a Fair and Open Way**

- 12.1 The Gambling Commission does not generally expect Licensing Authorities to become involved in this objective as such matters will normally relate to the operation of the business, and therefore subject to the Operating Licence, to the actions of an individual, and therefore subject to the Personal Licence.

The matters will therefore generally fall within the Commission's remit. The Licensing Authority will seek to establish an effective channel for the exchange of information with the Commission to ensure that intelligence is shared appropriately.

### **13. CHILDREN & VULNERABLE PERSONS**

#### **Protecting Children and other Vulnerable Persons from Being Harmed or Exploited by Gambling**

- 13.1 The Licensing Authority notes from the Commission guidance that, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises, or parts of premises, which are adult only environments.
- 13.2 The Act provides the following definition for a child and a young adult in Section 45:
- Meaning of "child" and "young person"
- (1) In this Act "child" means an individual who is less than 16 years old
- (2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.
- For the purpose of this section, protection of children will encompass both child and young person as defined by the Act.
- 13.3 The Licensing Authority may seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 13.4 The Licensing Authority may consult with West Sussex Child Protection Agency on any application that may give cause for concern over access for children or vulnerable persons.
- 13.5 The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
  - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
  - these considerations will apply to premises including buildings where multiple premises licences are applicable. The Council will judge each

separate application on its own merits before deciding whether to impose conditions to protect children on particular categories of premises.

- 13.6 The Licensing Authority will require that any gambling establishment must give space to advertisements publicising details of organisations and support groups providing assistance to anyone addicted to gambling.
- 13.7 The Licensing Authority considers that specific measures such as supervision of entrances, segregation of gambling areas, and supervision of gaming machines may be necessary in particular categories of premises but each case will be considered on its merits. Any condition imposed will be proportionate and directly related to the scale and type of the premises and the type of licence applied for.
- 13.8 The Licensing Authority notes that the Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission offers no definition of vulnerable persons but it is assumed that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol, or drugs. The Licensing Authority will consider on a case by case basis whether any special considerations apply in relation to the protection of vulnerable persons.
- 13.9 In the case of premises licences, the Licensing Authority is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice. In this document, the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:
- Combating problem gambling
  - Access to gambling by children and young persons
  - Information on how to gamble responsibly and help for problem gamblers
  - Customer interaction
  - Self-exclusion
  - Employment of children and young persons
  - Provision of credit by licensees and the use of credit cards
  - Money lending between customers
- 13.10 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective, and determine if these policies and procedures are appropriate in their circumstances. The Licensing Authority will communicate any concerns to the Gambling Commission about any absence of this required information.
- 13.11 Operators of all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility.

13.12 Children are permitted to enter family entertainment centres and may play category D machines.

## PART C – PREMISES LICENCES

### 14. PREMISES LICENCES

14.1 The Licensing Authority will issue premises licences allowing premises to be used for certain types of gambling. 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
- family entertainment centre premises

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to betting premises licences. The latest issue of the Licence Conditions and Codes of Practice sets out in full the requirements on operators. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

14.2 Premises licences are subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

14.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Licensing Authority will also have regard to these Codes of Practice.

#### **Definition of Premises**

14.4 Premises are defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

14.5 The Licensing Authority will take care in considering applications for multiple licences for a building and those relating to a discrete part of a building used



for other (non-gambling) purposes. In particular the Licensing Authority will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not drift into a gambling area.

- 14.6 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). Issues that the Licensing Authority will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 14.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates. A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling, that is, not to premises still under construction.
- 14.8 The Licensing 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 Licensing 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.
- 14.9 With regard to these objectives, it is the Licensing 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. a 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;
  - any levels of organised crime in the area.
- 14.10 In order for location to be considered, the Licensing 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.

### **Local Risk Assessment**

- 14.11 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, requires licensees assess the local risks 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.

- 14.12 The LCCP goes on to state that licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstance, 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.

- 14.13 The Licensing 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 demographics of the area in relation to vulnerable groups;
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- significant presence of young children, both residents and visitors;
- high unemployment area;
- nearby homeless hostels;
- nearby gambling, alcohol, drug or mental health support facility;
- the area has a high number of rough sleepers/homeless people;
- the area has a specific ethnic population;
- pawn broker/pay day loan businesses in the vicinity;
- other gambling premises in the vicinity.

Information around these groups is available in the Adur & Worthing Community Profile

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

- 14.15 Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects 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 persons 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 is 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.
- 14.16 Such information may be used to inform the decision the Licensing Authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.
- 14.17 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.
- 14.18 The Licensing Authority will expect Operators ensure that a copy of each individual premises' Risk Assessment is held at the licensed premises and is readily available to inspecting Authorised Officers

### **Local Area Profile**

- 14.19 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council has published a local area profile. The latest Adur & Worthing Community Profile 2014 can be viewed at: <https://www.adur-worthing.gov.uk/media/media.123248.en.pdf>
- 14.20 The local area profile 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 profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.
- 14.21 The Licensing Authority recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

### **Conditions**

- 14.22 The Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises. Therefore, in the majority of cases it is unlikely that the Licensing

Authority will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

- 14.23 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Licensing Authority will attach individual conditions to address these.
- 14.24 Any conditions attached to a licence issued by the Licensing Authority will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
  - directly related to the premises and the type of licence applied for and/or related to the area where the premises is based
  - fairly and reasonably related to the scale, type and location of premises
  - consistent with the licensing objectives, and
  - reasonable in all other respects.
- 14.25 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Licensing Authority will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas, etc. There are specific comments made in this regard under each of the licence types in this policy. The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 14.26 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Licensing Authority may consider licence conditions to cover issues such as:
- proof of age schemes
  - CCTV
  - supervision of entrances
  - supervision of machine areas
  - a reduction in the number of betting machines (betting premises)
  - the staffing of premises
  - physical separation of areas
  - location of entrance points
  - notices/signage
  - specific opening hours
  - a requirement that children must be accompanied by an adult
  - enhanced CRB checks of the applicant and/or staff
  - support to persons with gambling addiction
  - policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, and school holidays
  - policies to address the problems associated with truant children who may attempt to gain access to premises and gamble
  - any one or a combination of the measures as set out in this policy.

- 14.27 This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the Responsible Authorities, depending on the nature and location of the premises and the gambling facilities to be provided.
- 14.28 There are conditions which the Licensing Authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition;
  - conditions relating to gaming machine categories, numbers, or method of operation;
  - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
  - conditions in relation to stakes, fees, winnings or prizes.

### **Door Supervision**

- 14.29 The Licensing Authority will consider whether there is a need for door supervision in terms of the Licensing Objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted, though, that the Gambling Act 2005 has amended the Private Security Industry Act 2001, and that the door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises, the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a DBS (Disclosure and Barring Service) check on potential staff and for such personnel to have attended industry recognised training.

## **15. MAKING AN APPLICATION**

- 15.1 The Council will ensure that all relevant information is available on how to make applications for licences and other permissions under the Act. A full list of responsible authorities and their appropriate contact details is available on the council website together with premises licence and permit application forms. In addition the council will ensure that information and advice regarding making representations, and applying for a review of a premises licence, is also available. Application must be made in the prescribed manner and include a plan of the premises and the relevant fee.
- 15.2 Application forms and advice are available from Adur & Worthing Councils' website or by contacting the AWC Public Health & Regulation - Licensing Unit. <http://www.adur-worthing.gov.uk/licensing-and-permits/gambling/>

## **Advertising**

- 15.3 Applicants must comply with the Gambling Act 2005's regulations when advertising their applications for a premises licence or variation by displaying a white notice for 28 days on the exterior of the premises and placing an advertisement in the legal section of a local newspaper (Worthing Herald or Evening Argus). If advertising irregularities are found the advertising period may be required to be started again or extended, at the discretion of the Senior Licensing Officer.
- 15.4 Details of all new applications, variations and reviews are detailed on the council's website together with scheduled hearing dates and the results of each application.

## **Sending to Responsible Authorities**

- 15.5 New applications or applications to vary premises licences must be made to the Licensing Authority with statutory notices served on each of the responsible authorities.

## **Making a representation**

- 15.6 Responsible authorities and interested parties may make representations on applications for premises licences, their variation or review applications. The Act defines "Interested parties" as the bodies or individuals who are entitled to make representations to licensing authorities on applications for the grant, variation or review of premises licences. In addition, interested parties may themselves seek a review of a premises licence. Interested parties are defined in paragraph 7.1. Other than those that qualify as interested parties, the council will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.
- 15.7 Representations regarding an application may be positive or negative, although only negative representations, relevant to the licensing objectives, would result in a Licensing Sub-Committee hearing and determination of an application.

## **Irrelevant, frivolous, vexatious representations**

- 15.8 Any representation which in the opinion of the Senior Licensing Officer is, on the balance of probabilities, irrelevant (does not relate to the licensing objectives), frivolous or vexatious shall not be considered. The Senior Licensing Officer is empowered to make a decision, which would result in the representation not going before the Licensing Sub-Committee.

- 15.9 In cases of doubt as to whether a representation is irrelevant, frivolous or vexatious the Senior Licensing Officer will consult with the Chairman of the Licensing and Control Committee or with legal advisors as appropriate.

### **Registering to speak, or be represented, at a Committee Hearing**

- 15.10 Any person making a relevant representation that wishes to speak or be represented at a Licensing & Control Committee hearing is expected to inform the Licensing Authority of their intention at least five working days before the hearing. Failure to do so may result in such a person not being heard, although the Chair may exercise their discretion and allow the person to speak.

### **Mediation**

- 15.11 Where a Responsible Authority or an interested party (such as a local resident or residents' association) has made a valid representation about an application or for a licence to be reviewed, the Licensing Authority will seek to encourage direct contact between the parties to try and achieve agreement. This process will not override the right of any responsible authority or interested party to ask that the Licensing & Control Committee consider a valid representation.

### **Licence Reviews**

- 15.12 The 2005 Act provides a clear focus on the promotion of the three statutory Licensing Objectives which must be addressed when licensing functions are undertaken. The Act provides tough powers, in the form of the review procedure, to enable the Licensing Authority to bring the minority of badly managed premises, which are failing to promote the licensing objectives, into line with the best.
- 15.13 A Premises Licence may be reviewed by the Licensing Authority of its own volition. The Responsible Authorities and/or interested parties can trigger a Review of a Premises Licence but must provide evidence to the Licensing Authority to substantiate any allegations. In every case, the representation must relate to particular premises where a Premises Licence has been granted and it must be relevant to the promotion of the Licensing Objectives.
- 15.14 Following an application from an interested party or Responsible Authority the Licensing Authority will normally grant an application for Review unless the grounds on which the Review is sought:
- Are frivolous or vexatious
  - Are substantially the same as a previous application (unless sufficient time has passed to consider the matter again)
  - Are substantially the same as representations made when the premises licence application was considered (unless sufficient time has passed to consider the matter again)
  - "Will certainly not" cause the authority to revoke or suspend a licence, or to reserve or amend, or attach conditions.



and will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the authority's Statement of Principles.

15.15 Once a valid application for a Review has been received by the Licensing Authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt on its website. The Licensing Authority must carry out the Review as soon as possible after the 28 day period for making representations has passed.

15.16 The purpose of the Review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:

- add, remove or amend a licence condition imposed by the Licensing Authority;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the Premises Licence for a period not exceeding three months;
- revoke the Premises Licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

15.17 In particular, the Licensing Authority may also initiate a Review of a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

15.18 Once the Review has been completed, the Licensing Authority will, within 5 working days, notify its decision to:

- the licence holder
- the applicant for review
- the Gambling Commission
- any person who made representations
- the Chief Officer of Police or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs

## **Appeals**

- 15.19 The avenues of appeal against decisions by a Licensing Authority are set out in sections 206 to 209 of the Act and include rights with regard to premises licence application rejections and where applications are granted. Appeals may also be made against transfer and review decisions.
- 15.20 The Licensing Authority will give clear and comprehensive reasons for any rejection of an application or grant of licence or any other decisions. The reasons for any decision will be made public at the hearing.
- 15.21 The Licensing Authority will provide full written details of the decision with its reasons to all parties within five working days. From receipt of the written decision, the parties have 21 days to lodge an appeal at the magistrates' court.

## **16. CASINOS**

- 16.1 There are no existing licensed casinos within the Borough and currently the Gambling Act 2005 prevents the Licensing Authority from accepting new applications
- 16.2 Under Section 166 of the Act the Licensing Authority may pass a resolution not to issue any casino premises licences. The Licensing Authority has not passed such a resolution but should it decide to do so in the future, it will update this Policy Statement.

## **17. BINGO PREMISES**

- 17.1 There is no official definition for bingo in the Gambling Act 2005. However, from a licensing point of view, there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act.
- 17.2 Where children are allowed to enter premises licensed for bingo, they should not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, the Licensing Authority will apply conditions to ensure that:
- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

- 17.3 It is noted that under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.
- 17.4 The imposition of the restrictions that apply to such premises in the codes of practice that are published on the Gambling Commission's website will be considered and the guidance issued on particular issues will be taken into account in relation to the suitability and layout of bingo premises.
- 17.5 The Gambling Commission has issued Codes of Practice relating to Bingo premises and the Licensing Authority expects all applicants to comply with these codes. The Licensing Authority will not look favourably upon an application where an applicant seeks a Bingo Premises Licence with the sole intention of placing Category B2 Gaming Machines only in the premises with no provision for facilities for bingo, as this is not considered to be in the spirit of the Act. Applicants and premises licence holders are reminded of the Gambling Commission's operator licence conditions requiring that bingo is provided as the primary activity in any premises that hold or apply for bingo premises licence.

## **18. BETTING PREMISES**

- 18.1 The Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing. Currently in the Borough there is no provision of off-course betting – Tracks. However, there are a number of Licensed Betting Shops.
- 18.2 The Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 18.3 Tracks are sites such as racecourses and dog tracks where races or other sporting events take place. There are currently none licensed in the Borough. However, the Licensing Authority recognise that tracks are different from other premises in that there may be more than one Premises Licence in effect, and that the track operator may not be required to hold an Operator's Licence as there may be several premises licence holders at the track who will need to hold their own Operator Licences. As children and young persons will be permitted to enter track areas where facilities for betting are provided (e.g. dog racing and/or horse racing), the Licensing Authority will expect premises licence applicants to demonstrate suitable measures to ensure that children

do not have access to adult only gaming facilities. The Licensing Authority will expect applicants to consider very carefully the measures they are proposing to put in place to meet the Licensing Objectives,

## **19. ADULT GAMING CENTRES (AGC)**

- 19.1 An adult gaming centre premises licence allows the provision category B, C and D gaming machines in adult only arcade premises. No one under 18 is permitted to enter such premises.
- 19.2 Consequently, 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 sufficient measures to be in place to ensure
- under 18 year olds do not gain access to the premises
  - the Licensing Objectives are promoted
  - the Mandatory Conditions and the Gambling Commission's Codes of Practice are complied with

Such measures could include:

- CCTV
- Minimum staffing levels
- Door supervision
- Induction training for new staff and refresher training for existing staff
- Refusals register
- Proof of age schemes (e.g. Think 21)
- Third party test purchasing
- Location of entry to premises
- Infra-red Beam positioned across the entrance to the premises.
- Self-barring schemes
- Provision of information leaflets / helpline numbers for support organisations such as GamCare

This list is neither mandatory nor exhaustive

- 19.3 Where an Adult Gaming Centre is situated in a complex, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access. In particular, the Licensing Authority will not look favourably on situations where child orientated machines or facilities are sited close to the entrance to an Adult Gaming Centre.

## **20. LICENSED FAMILY ENTERTAINMENT CENTRES (FEC)**

- 20.1 Family Entertainment Centres can be run under the authority of a Premises Licence or a Permit. A licensed Family Entertainment Centre can offer category C and D gaming machines. A permitted Family Entertainment Centre can only offer category D (low stakes and prizes) machines.
- 20.2 A Family Entertainment Centre Premises Licence allows the holder to offer family friendly arcade facilities at a venue. They usually provide a range of amusements such as computer games, penny pushers and category D low stakes & prizes gaming machines but may also provide a separate section set

aside for adult only gaming machines (Category C) with higher stakes and prizes.

20.3 At such premises 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 licence holders and new applicants to have sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

20.4 Consequently, 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 sufficient measures to be in place to ensure

- under 18 year olds do not gain access to the adult only areas
- the Licensing Objectives are promoted
- the Mandatory Conditions and the Gambling Commission's Codes of Practice are complied with

Such measures could include:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

20.5 The Licensing Authority will ensure compliance with all conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated and any mandatory or default conditions .

## **21. DEMAND**

21.1 In accordance with the Gambling Commission's guidance the Licensing Authority recognises that unmet demand is not a relevant criterion in considering an application under the Act and cannot consider whether the application is to be permitted in accordance with law relating to planning or building.

## PART D – PERMITS, NOTICES & REGISTRATIONS

### 22. STATEMENT OF PRINCIPLES

- 22.1 The Gambling Act 2005 introduced a range of permits for gambling. 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. The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications. Where a Permit is granted, the Licensing Authority will issue the Permit as soon as is reasonably practicable.
- 22.2 The Act states that a Licensing Authority may prepare a Statement of Principles that it will apply when exercising its functions specifying matters it will consider in determining the suitability of the applicant for a permit.
- 22.3 The basic principles this Licensing Authority will consider all permit applications by are that the applicant must clearly set out the types of gaming that it is intended to offer and that the applicant should be able to demonstrate:
- An understanding of the limits to stakes and prizes that are set out in the regulations;
  - How to ensure that the gaming offered is within the law
  - Policies that outline the steps to be taken to protect children from harm.
- 22.4 When making decisions on any permit the Licensing Authority will have regard to the Licensing Objectives and any Gambling Commission guidance.
- 22.5 It should be noted that there are conditions in the Gambling Act 2005 by which permit holders must comply, but the Licensing Authority cannot attach conditions to a permit.

### 23. UNLICENSED FAMILY ENTERTAINMENT CENTRE PERMITS (uFEC)

- 23.1 Unlicensed Family Entertainment Centres (uFEC) are defined in the Act as premises which provide category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are “unlicensed” in that they do not require a premises licence but do require a permit to authorise the provision of category D machines. It should not be confused with a “licensed family entertainment centre” which requires a premises licence because it contains both category C and D gaming machines.

- 23.2 The Licensing Authority must be satisfied that the premises will be used as an unlicensed Family Entertainment Centre and Sussex Police must be consulted on all applications.
- 23.3 When determining a permit, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and will have regard to the three Licensing Objectives.
- 23.4 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues. The Licensing Authority will expect applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling, which is permissible in unlicensed FECs;
  - The applicant's previous history and experience of running similar premises;
  - Applicants must produce a DBS check dated within one calendar month of the date of the application being submitted to the Licensing Authority. The Disclosure will reveal the existence and content of any criminal record (not spent under the terms of the Rehabilitation of Offenders Act) held in the name of the applicant.
- 23.5 Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.
- 23.6 When considering any convictions revealed in an application, the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and "spent" convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.
- 23.7 Statement of Principles for Unlicensed Family Entertainment Centres – As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:
- A scaled plan of the premises indicating the location of Category D machines, Automated Teller Machines and any appropriate notices that are to be displayed;
  - The approximate number of Category D machines that will be provided;
  - Evidence that staff will be/are trained to have a full understanding of the maximum stakes and prizes that are permissible;
  - Evidence that staff training will be recorded by way of a Premises Logbook which should be signed and dated by staff on receiving their training to prove that training has been undertaken and understood;
  - Training for staff as regards dealing with suspected truant school children on the premises;
  - Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child



protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises;

- The amount of space around gaming machines to prevent jostling of players or intimidation;
- Details of opening hours;
- Approximate numbers of staff employed.

23.8 The Licensing Authority can grant or refuse a permit but cannot attach conditions to this type of permit. Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is a reason for such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing, or both, and will have a right of appeal against any decision made.

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

23.10 Where the Permit has been granted, the Licensing Authority will issue the permit as soon as is reasonably practicable, and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed.

23.11 The Licensing Authority recommends that applicants for unlicensed FEC Permits consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive, specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

## **24. GAMING MACHINE PERMITS FOR PREMISES LICENSED FOR ALCOHOL**

24.1 Premises licensed for the sale of alcohol for consumption on the premises are entitled to provide gaming machines.

### **Notification - Automatic entitlement for two machines**

24.2 The holder of the Premises Licence, issued under the Licensing Act 2003, that has served a formal Notification on the Licensing Authority, is entitled to provide up to 2 gaming machines of Category C or D. The notification must be accompanied by the prescribed fee and the licence holder must comply with any relevant Codes of Practice issued by the Gambling Commission.

24.3 The Licensing Authority may remove the authorisation if:

- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
- Provision of the machines is not compliant with the mandatory conditions relating to location and operation of machines;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act;
- An offence under the Gambling Act has been committed on the premises; or
- The premises are mainly used for gaming.

24.4 The Licensing Authority will expect the applicant to comply with any Codes of Practice issued by the Gambling Commission and consider such measures to ensure that the under 18s do not have access to the adult only gaming machines. The Licensing Authority recommends considering such measures as:

- Siting adult machines close to the bar;
- Siting adult machines where staff can monitor them;
- Appropriate notices and signage;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

### **Permit – Three or more machines**

24.5 A Licensed Premises may provide more than 2 machines but is then required to have a valid permit issued by the Licensing Authority. The Authority will consider such applications based upon the Licensing Objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant”. This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

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

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

24.7 There is no statutory limit on the number of machines which may be applied for. However, it is the Licensing Authority's policy that a licensing hearing will consider any application for three or more machines where Officers are of the opinion that the premises is not suitable for the number of machines applied for.

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

## **25. PRIZE GAMING PERMITS**

25.1 Prize Gaming Permits must be obtained where a Casino or Bingo Operating Licence is not in effect. However, a casino is not entitled to provide bingo without a Prize Gaming Permit. As children and young persons may participate in equal chance prize gaming, and given that the premises will particularly appeal to children and young persons, the Licensing Authority has prepared a Statement of Principles that it proposes to apply in exercising its functions which specifies matters that the Licensing Authority propose to consider in determining the suitability of an applicant for a Prize Gaming Permit.

25.2 The Gambling Act 2005 sets out a number of conditions that the permit holder must comply with. The Licensing Authority cannot attach further conditions.

The conditions in the Act are:

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

- 25.3 The Licensing Authority will require detailed information when an applicant applies for this Permit, as follows:
- A scaled plan of the premises indicating the location of the machines, other prize gaming facilities, etc., and any appropriate notices that are to be displayed;
  - Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
  - Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
  - A basic DBS check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current Operator's Licence issued by the Gambling Commission);
  - Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
  - Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises;
  - The amount of space around gaming machines to prevent jostling of players or intimidation;
  - Details of opening hours;
  - Approximate numbers of staff employed.
- 25.4 Where an applicant provides evidence that he/she has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.
- 25.5 When considering any convictions revealed in an application, the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place, and any other factors which may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and "spent" convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.
- 25.6 In making its decision on an application the Licensing Authority will have regard to the Licensing Objectives and will take into account, after consultation, any representations the Police may make. The grounds for decision-making as regards renewals are the same as for initial applications.
- 25.7 Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it, stating the reasons and offering the applicant an opportunity to make representations orally, in writing, or both.

## 26. CLUB GAMING & CLUB MACHINE PERMITS

- 26.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit or a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming, i.e. poker, bingo, etc. A Club Machine Permit will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a Club Machine Permit only.
- 26.2 To qualify for these special club permits, a members club must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include:
- working men's clubs
  - branches of the Royal British Legion
  - clubs with political affiliations.
- 26.3 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that any under 18 year olds do not use the adult only gaming machines. These measures may include:
- The machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised;
  - Notices and signage
  - The provision of information leaflets/helpline numbers for organisations such as GamCare.
- 26.4 Before granting the permit, the Council will need to satisfy itself that the premises meet the requirements of a members' club, and that the majority of members are over 18.
- 26.5 The Licensing Authority may only refuse an application on the grounds that:
- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
  - The applicant's premises are used wholly or mainly by children and/or young persons;
  - An offence under the Act or a 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 ten years;
  - An objection has been lodged by the Gambling Commission or Sussex Police.
- 26.6 There is a fast-track procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the

Commission or the Police. The grounds upon which the Licensing Authority can refuse a permit is reduced. The grounds on which an application under the process may be refused are:

- That the club is established primarily for gaming;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled.

## **27. TEMPORARY USE NOTICES**

- 27.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 months period for gambling where there is no Premises Licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a Temporary Use Notice would include:
- Hotels
  - Conference centres
  - Sporting venues.
- 27.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 27.3 Only persons or companies holding a relevant operating licence can apply for a Temporary Use Notice to authorise the particular class of gambling permitted by their Operating Licence.
- 26.4 A Temporary Use Notice must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a Temporary Use Notice will be available in a separate guidance note.
- 26.5 The Act makes a special reference, in the context of Temporary Use Notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more Temporary Use Notices than permitted under the Act. The Licensing Authority considers that the determination of what constitutes “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 look at, amongst other things, the ownership/occupation and control of the premises. The Licensing Authority will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

## **28. OCCASIONAL USE NOTICES**

- 28.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a full Premises

Licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a Temporary Use Notice. The application may be made in writing to the Licensing Authority by the person responsible for the administration of the events on a track, or by an occupier of the track.

- 28.2 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will, however, consider the definition of a “track” and whether the applicant is entitled to benefit from such notice.

## **29. SMALL SOCIETY LOTTERY REGISTRATIONS**

- 29.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

- 29.2 The Act creates two principal classes of lotteries: Licensed Lotteries and Exempt Lotteries. Licensing Lotteries are Large Society Lotteries and lotteries run for the benefit of Local Authorities. These will be regulated by the Gambling Commission. Within the class of Exempt Lotteries, there are four subclasses, one of which is Small Society Lotteries.

- 29.3 A Small Society Lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in Worthing and want to run such lottery.

- 29.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

- 29.5 To be “non-commercial” a society must be established and conducted:
- For charitable purposes;
  - For the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
  - For any other non-commercial purpose other than that of private gain.

- 29.6 The other types of exempt lotteries are:
- Incidental Non-Commercial Lotteries
  - Private Lotteries
  - Customer Lotteries

Guidance on the different categories of lotteries can be obtained from the Public Health & Regulation Licensing Team.

- 29.7 The National Lottery is not licensed by the Gambling Act 2005, and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

## Small Society Lotteries

- 29.8 Small Society Lotteries are registered and dealt with by the Licensing Authority. Promoting or facilitating a lottery falls within one of the following categories:
- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
  - Small Society Lotteries (registered with the Licensing Authority); and
  - Exempt Lotteries.
- 29.9 Lotteries permitted to be conducted without a licence from the Gambling Commission and these are:
- Small Society Lotteries (registered with the Licensing Authority);
  - Incidental Non-Commercial Lotteries;
  - Private Lotteries: (Private Society Lottery, Work Lottery, Residents' Lottery);
  - Customer Lotteries.
- 29.10 Societies may organise lotteries if they are licensed by the Gambling Commission, registered with the Licensing Authority or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits are all available by contacting the PH&R Licensing Team.
- 29.11 Applicants for lottery licences must apply to the Licensing Authority in the area where the principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area, it will inform the Society as soon as possible, and where possible, will inform the other Licensing Authority.
- 29.12 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration.
- 29.13 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bonafide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society and in particular may require a copy of the society's constitution.
- 29.14 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.



29.15 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled, to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

29.16 With regards to where Small Society Lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all small society lotteries it registers:

- Tickets should not be sold in a street – street includes any bridge, road, land, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
- Tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence conditions imposed by the Gambling Commission upon operators of large lotteries.

### 30. GAMBLING RELATED HARM & ITS EFFECTS

- 30.1 Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It is not just the gamblers themselves who experience these harms; individuals, families and communities are all affected. Research published by Citizens Advice suggests that, for every problem gambler there are on average between six to ten additional people who are also directly affected.
- 30.2 Harmful gambling can cause a wide variety of health and social issues, such as alcohol and drug misuse, financial difficulties, mental health issues, loss of employment, domestic abuse and family breakdown. The Gambling Commission estimates there are 430,000 people with a serious gambling addiction in the UK. If you include those they deem at risk of addiction, the number rises to more than two million. Of these, around 55,000 are children and young people aged 11 to 16.
- 30.3 The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.
- 30.4 There is evidence to show that certain groups are more at risk of experiencing gambling-related harm than others; these include: people living in deprived areas, individuals from certain ethnic minority groups (such as Asian/Asian British, Black/Black British and Chinese/other ethnicity), children and young people, those with mental health issues, those with alcohol or drug issues, and people who are homeless. Children are also particularly affected by problem gambling by a family member.
- 30.5 Research conducted by Leeds University in 2016 looked specifically at identifying groups of society that could be considered vulnerable to problem gambling:
- **Young people** – rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (*Wardle, 2015*)

- **Minority ethnic groups** – There is consistent evidence that those from certain ethnic backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox.
- **Unemployed and constrained economic circumstance** – generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (*Brown et al, 2011*).
- **Persons in debt** - There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (*Meltzer et al, 2012*). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.
- **Area deprivation** – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. Research has looked at the distribution of machines and licensed betting offices and suggests that there is clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (*Astbury & Wardle, 2016*).
- **Homeless** – The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.
- **Mental ill health** – There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention

deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.

Being a problem or at risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm the conclusion that the relationship between problem gambling and mental ill health may be cyclical.

- **Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (*Wardle, 2015*).

A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (*Dowling et al, 2015*). There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time.

- **Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (*Johansson et al, 2009*).

However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

- **Problem gamblers seeking treatment** – Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right (*Wardle, 2015*).

30.6 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large

metropolitan areas), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Worthing Borough Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.

30.7 In the case of premises licences the Licensing Authority is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice regarding social responsibility. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young people
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion
- Employment of children and young people

30.8 The Licensing Authority will require all applicants to familiarise themselves with the operator licence conditions and codes of practice relating to the objective 'Protecting Children and other Vulnerable Persons from Being Harmed or Exploited by Gambling' and determine if these policies and procedures are appropriate in their circumstances. The Licensing Authority will communicate any concerns to the Gambling Commission about any absence of this required information.

30.9 Applicants should consider the following proposed measures for protecting and supporting vulnerable people, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable
- trained personnel for the purpose of identifying and providing support to vulnerable people
- self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations

- windows, entrances and advertisements to be positioned or designed not to entice children or vulnerable people.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences. The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

30.10 The NHS provides online information and support for people who may be gambling problematically or affected by someone else's gambling, including a short questionnaire to help identify whether someone is gambling problematically:

<https://www.nhs.uk/live-well/healthy-body/gambling-addiction/>

30.11 Individuals can access information and support through the Gambling Helpline on Freephone 0808 80 20 133 or via [www.gamcare.org.uk](http://www.gamcare.org.uk) (available 24 hours a day) and at: <https://www.begambleaware.org> and information on local meetings of Gamblers Anonymous can be found at: [https://www.gamblersanonymous.org.uk/geocoding-search?list\\_view=1&postcode=wothing+](https://www.gamblersanonymous.org.uk/geocoding-search?list_view=1&postcode=wothing+)

30.12 Research & Information regarding problem gambling and the harm it causes can be found at:

- *People who play machines in bookmakers: secondary analysis of loyalty card survey data (Wardle, 2016)*
- *Examining the effect of proximity and concentration of B2 machines to gambling play (Wardle and Astbury, 2016)*
- *Thorley, C., Stirling, A. & Huynh, E, (2016). Cards on the Table: The Cost to Government Associated with People who are Problem Gamblers in Britain. Available online at: [www.ippr.org/files/publications/pdf/Cards-on-the-table\\_Dec16.pdf](http://www.ippr.org/files/publications/pdf/Cards-on-the-table_Dec16.pdf)*
- *Citizens Advice. (2018). Out of Luck – An exploration of the causes and impacts of problem gambling. Available online at: <https://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/consumer-policy-research/consumer-policy-research/out-of-luck-an-exploration-of-the-causes-and-impacts-of-problem-gambling/>*
- *Thorley, C., Stirling, A. & Huynh, E, (2016). Cards on the Table: The Cost to Government Associated with People who are Problem Gamblers in Britain. Available online at: [www.ippr.org/files/publications/pdf/Cards-on-the-table\\_Dec16.pdf](http://www.ippr.org/files/publications/pdf/Cards-on-the-table_Dec16.pdf)*

- *Local Government Association & Public Health England. (2018). Tackling gambling related harm. A whole council approach. Available online at: <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>*
- *Faculty of Public Health. (2018). Faculty of Public Health Gambling Policy Statement. Available online at: <https://www.fph.org.uk/media/1810/fph-gambling-position-statement-june-2018.pdf>*

## PART E – MISCELLANEOUS

### 31. TRAVELLING FAIRS

- 31.1 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.
- 31.2 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 an ancillary amusement at the fair.
- 31.3 The Licensing Authority will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 31.4 The Licensing authority is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses the Council boundary is monitored so that the statutory limits are not exceeded.

### 32. GAMING MACHINES

- 32.1 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 32.2 Where the Licensing Authority has concerns about the manufacture, supply or repair of a gaming machine, it will bring this to the attention of the Gambling Commission.
- 32.3 The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, Category D machines by children and young persons and their separation from Category C and B machines where those are also located on the same premises.
- 32.4 The Licensing Authority seeks to discourage applications for Premises Licences for the sole purpose of obtaining the ancillary provision of additional gaming machines where the principal activity either does not take place or is minimal. The Licensing Authority believes that the Gambling Act 2005 intended to set restrictions on the number of gaming machines for certain premises and considers that the fact that the licence authorised the holder to provide facilities for betting or bingo means that the operator must provide those facilities to qualify for the ancillary entitlement to gaming machines.



Whilst this has not yet been legally contested, the Licensing Authority fully supports this view. The Licensing Authority is aware that the Gambling Commission has amended its operator licence conditions to address the issue of the primary gambling activity.

- 32.5 Worthing has a long history of providing family type gaming machines, such as penny falls and cranes. Such machines are primarily aimed at children and family type gaming. We recognise that, on the whole, such machines provide a low risk in relation to the Licensing Objectives. However, as with all gaming machines, such machines must be operated in a fair and open manner and in line with the protection of children from harm Licensing Objective.
- 32.6 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times. The Licensing Authority has concerns that the use of gaming machines in privacy booths may prevent adequate supervision and protection of vulnerable persons and problem gamblers. The Licensing Authority seeks to discourage the use of privacy screens.
- 32.7 Any non-monetary prizes within such machines must comply with the maximum prize limits laid down in the regulations prescribing gaming machine categories and entitlements. If items such as toy mobile phones (or other similar novelty items) are offered as prizes, then this Authority will expect to see clear signage (displayed on or near the machine in question) indicating that such items are toys / novelty items.
- 32.8 The Licensing Authority will bring to the attention of specific machine operators any examples of prizes which it feels are inappropriate or require clarification to prospective machine users. In addition, where it is able to do so, the Licensing Authority will undertake appropriate compliance action when it feels that prizes within penny falls, cranes and other similar machines are outside the scope of the open and fair and protection of children licensing objectives.

### **33. GAMING IN ALCOHOL LICENSED PREMISES**

- 33.1 The Licensing Authority recognises that low level gaming, such as low stakes poker, may take place in alcohol-licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. A nominated gaming supervisor should therefore supervise gaming in alcohol-licensed premises, (i.e. the Designated Premises Supervisor (DPS)) and all gaming should comply with Codes of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Licensing Authority expects the applicant to be aware of, and adopt, these Codes of Practice and to ensure that all gaming in such premises is suitably managed.

## **34. HUMAN RIGHTS**

34.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way, which is incompatible with a right under the European Convention on Human Rights, except in certain circumstances. In carrying out its licensing functions the Licensing Authority will have particular regard to:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established in accordance with the law.
- Article 8 that everyone has the right to respect for his home and private and family life.
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence)
- Article 14 the prohibition of discrimination. The rights and freedoms within the Convention shall be secured without discrimination on any ground.

However it is important to understand that many of the rights and freedoms are subject to limitations, enabling a balance to be struck between the rights of an individual and the wider interests of a democratic society. Thus a person's individual convention rights may be lawfully interfered with but only if there is a law which permits it. The interference must also be no more than is necessary and proportionate to the aims.

34.2 The Licensing Authority recognises the importance of the Equality Act 2010. In applying the Gambling Licensing Policy the Licensing Authority will have due regard to the need to eliminate unlawful discrimination regarding age, disability, gender- reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. The Licensing authority will do all it can to promote equality of opportunity and good relations between persons of different minority groups.

## **35. DUPLICATION**

35.1 In exercising its functions under the Act the Licensing Authority will seek to avoid duplication with other regulatory regimes, particularly when attaching conditions to licence approvals.

35.2 It is recognised that there should be a clear separation of the land use planning and licensing regimes. It is expected that any necessary planning consents will be obtained prior to any licence application.

## **36. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**

- 36.1 The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing & Control Committee to administer them.
- 36.2 The Licensing Authority appreciates the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, and will delegate certain decisions and functions to sub-committees as appropriate.
- 36.3 The grant of non-contentious applications, including those licences and permits where no representations have been made, are delegated to Council Officers in accordance with statutory requirements.
- 36.4 The Licensing Authority will clearly specify in the licence application pack the information required from applicants. The Licensing Authority will not regard an application as properly made, and will not register an application as made, unless and until all such information is provided and the relevant fee has been paid.
- 36.5 The operational aspects of administering the licensing functions pursuant to the Gambling Act 2005 will be subject to periodic review.

## **37. POLICY REVIEW & SUPPORT**

- 37.1 This Policy provides guidance to members, officers, applicants, responsible authorities, objectors and interested residents on the general approach the Licensing Authority will take in terms of gambling licensing. Although each licence application must be considered separately on its individual merits, in adopting this policy, the Licensing Authority is making it clear that wider considerations other than the fitness of the applicant and suitability of the premises will be taken into account when determining an application.
- 37.2 The Policy is written in pursuance of the Gambling Act 2005 but may be revised at any time there is considered to be a need for adjustment. The Licensing Authority will comply with any statutory requirements. Where required there will be public consultation before any revision of the policy.
- 37.3 Guidance notes to accompany this policy and details about the licensing application process, including application forms, can be found on the council's website at: <https://www.adur-worthing.gov.uk/licensing-and-permits/>

Queries and advice regarding the policy and licensing in general can be accessed through:

- Email: [Licensing.Unit@adur-worthing.gov.uk](mailto:Licensing.Unit@adur-worthing.gov.uk)
- Telephone: 01273 263331

Information regarding current & past applications can be found on the council's website at:

- <https://www.adur-worthing.gov.uk/licensing-consultations/licensing-act-2003/#applications-worthing>

Worthing Borough Council's Licensing & Control Committee Hearings are held at:

- Worthing Town Hall  
Chapel Road, Worthing, BN11 1HA

The Public Health & Regulation Licensing Team is based at:

- Adur & Worthing Councils  
Portland House, Richmond Road, Worthing, BN11 1HS

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## APPENDICES

### **APPENDIX A: INFORMATION & GUIDANCE**

*The definitions and information included in following pages do not form part of this policy and are nationally set. They are included in this document to assist the reader. This document should be read in conjunction with the Gambling Act 2005 (the Act) and Gambling Commission Guidance to Local Authorities.*

#### **GAMBLING ACT 2005**

<https://www.legislation.gov.uk/ukpga/2005/19/contents>

#### **GAMBLING COMMISSION GUIDANCE TO LOCAL AUTHORITIES**

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

#### **CATEGORIES OF GAMING MACHINE**

*Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available. Information regarding Gaming Machine categories can be found at:*

<https://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>

#### **NUMBER OF GAMING MACHINES BY PREMISES TYPE**

*Information regarding the number of Gaming Machines from the various categories that a licensed premises is entitled to provide can be found at:*

[https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-A-Summary-of-machine-provisions-by-premises.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_1](https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-A-Summary-of-machine-provisions-by-premises.aspx#DynamicJumpMenuManager_1_Anchor_1)

## APPENDIX B: SUMMARY OF SOME TERMS UNDER THE GAMBLING ACT 2005

Term	Description
ATM	Auto teller machine or cash machine
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not, and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a "book" is the act of quoting odds and accepting bets on an event. Hence the term "Bookmaker".
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack, etc.
Chip	Casinos in the UK require you use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine.
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not "gaming" see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have "touch screen" displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as "the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not".
Gaming Machine	Any type of machine allowing any sort of gambling activity, including betting on virtual events but not including home computers even though users can access online gaming websites.



<b>Term</b>	<b>Description</b>
Licensing Objectives	<p>The Licensing Objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• Ensuring that gambling is conducted in a fair and open way</li> <li>• Protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The Council will have no discretion to alter or remove these conditions.</p>
Money Prize Machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <ul style="list-style-type: none"> <li>• The position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</li> <li>• If the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</li> </ul>
Odds	<p>The ratio to which a bet will be paid if the bet wins. E.g. 3-1 means for every £1 bet, a person would received £3 of winnings.</p>
Off-course betting operator	<p>Off-course betting operators may, in addition to premises away from the track, operate self contained betting premises within a track premises. Such self-contained premises will provide facilities</p>

	for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence, such premises operate like a traditional high street bookmakers. They will, however, only normally operate on race days.
<b>Term</b>	<b>Description</b>
On-course betting operator	The on-course betting operator is one who comes onto a track temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: <ul style="list-style-type: none"> <li>• Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting;</li> <li>• Shall be divided among the winners; or</li> <li>• Shall or may be something other than money.</li> </ul> For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations of Statutory Instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act, representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act, or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.



Statement of principles document	A document prepared by the Council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.