



GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

2016 - 2019

Ensuring gambling is conducted in a fair and open way

whilst ensuring the protection of vulnerable people'

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

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

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

Comments are invited on this document to:

Shared Licensing Team
Hart District Council
Civic Offices
Harlington Way
Fleet
Hampshire
GU51 4AE
Tel.01252 774496
[Email: licence@hart.gov.uk](mailto:licence@hart.gov.uk)

Item	Page
Part A	
1.0 Licensing objectives	4
2.0 Introduction to Hart District Council	4
3.0 Aims	5
4.0 Scope	5
5.0 Consultation on the Statement of Principles	6
6.0 Declaration	7
7.0 Responsible authorities and interested parties	7
8.0 Exchange of information	10
9.0 Human Rights and equal opportunities	10
10.0 Compliance and Enforcement	11
11.0 The Licensing Authority functions	11
Part B - Premises Licences	
12.0 General Principles	12
13.0 Licensing Objectives	14
14.0 Conditions on premises licences	16
15.0 Other Legislation	18
16.0 Adult Gaming Centres	18
17.0 Licensed Family Entertainment Centres	18
18.0 Casinos	19
19.0 Bingo premises	20
20.0 Betting Premises	20
21.0 Race Tracks	20
22.0 Travelling fairs	22
23.0 Provisional Statements	23
24.0 Reviews of Licensed Premises	23
Part C - Permits/Temporary & Occasional Use Notices	
25.0 Unlicensed Family Entertainment Centre Gaming Machine Permits	24
26.0 Alcohol Licensed Premises Gaming Machine Permits	25
27.0 Prize Gaming Permits	26
28.0 Club Gaming and Club Machines Permits	26
29.0 Temporary Use Notices	27
30.0 Occasional Use Notices	28
Part D - Other Information	
31.0 Rights of appeal and judicial review	28
32.0 Small Society Lotteries	29
33.0 Other matters	30
30.0 The Licensing Authority Delegations	31
APPENDICES	
Appendix A - Map of Hart District Council area	32
Appendix B - List of responsible authorities and consultees	33
Appendix C - Types of Gaming Machines	34
Appendix D - Summary of gaming entitlements for clubs and alcohol Licensed premises'.	35

This is the stage 1 Statement of Principles (licensing policy statement), as determined by the council in respect of its licensing functions, with regard to the Gambling Act 2005. This statement commences on [redacted] and continues for a three year period. During this period the policy will be kept under review and the council will make such revisions to it, at such times, as it considers appropriate. Further licensing statements will be published every three years thereafter or earlier as necessary.

A further stage 2 statement will be consulted on from early 2016 to include information on Local Area profiling

All references to the 'guidance' refer to the Gambling Commission's Guidance to Licensing Authorities.

The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice.

DRAFT

PART A

1.0 Licensing Objectives

1.1 In exercising their functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

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

The council gives equal weight to each of the licensing objectives.

1.2 The Licensing Authority is aware that the Gambling Commission has stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

1.3 This Licensing Authority is aware that in accordance with Section 153 of the Act, in making its decisions about premises licences and temporary use notices it should aim to permit the use of the premises for gambling in so far as it thinks it is:

- (i) in accordance with any relevant code of practice issued by the Gambling Commission
- (ii) in accordance with any guidance issued by the Gambling Commission
- (iii) reasonably consistent with the licensing objectives and
- (iv) in accordance with the Authority's statement of licensing policy

2.0 Introduction

2.1 Hart District is situated in the County of Hampshire which contains 11 district/ borough councils and 2 unitary authorities.

2.2 Hart District has a population of around 91,000 in an area of 215,000 hectares. The District is a mixed rural and urban area, with market towns and historic and picturesque villages. Fleet Town centre is vibrant offering a number of pubs and eating places alongside the Shopping areas located on and off the Fleet High Street and the Hart Shopping centre.

2.3 There are excellent transport links across the District with railway stations located at Fleet, Hood, Winchfield and Blackwater. The M3 also passes through Hart District at Hook and Minley. Its close proximity and accessibility to London make it an attractive business and commuter location.

3.0 Aims

- 3.1 The aim of this statement of principles is to ensure gambling is conducted in a fair and open way and does not support crime, whilst ensuring protection for vulnerable people. The council will regulate gambling in the public interest and recognises that these activities contribute to the District and to the local economy, as well as providing employment, and will aim to permit the use of premises for gambling as set out in section 153 of the Act.
- 3.2 To achieve this aim the council is committed to partnership working with the responsible authorities, local businesses, licensing trade, residents, those involved in the protection of children and other interested parties towards the promotion of the objectives set out in this policy. The council will ensure that it takes into account the views of these stakeholders and ensure proper integration of local crime prevention, planning, transport, employment, tourism and cultural strategies.
- 3.3 This statement of principles provides information and guidance to applicants, objectors and interested parties on the general approach that the council will take to licensing issues. Although each application will be considered individually on its own merits, this statement of principles indicates the wider considerations that will be taken into account when determining applications. Notwithstanding this approach it is not the council's intention in adopting this policy to override the right of any person to make an application and have it considered on its merit.
- 3.4 The council will work with other local authorities, particularly those with whom boundaries are shared, to ensure a consistent approach is taken to licensing issues whilst respecting the differing needs of the individual communities.

4 Scope

- 4.1 Hart District Council ("the council") is the Licensing Authority pursuant to the Gambling Act 2005 ("the Act") and is responsible for considering applications for a number of activities, detailed below. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises and at temporary events. The activities falling to the council as defined by the Act include:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
 - Issue Provisional Statements
 - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - Issue Club Machine Permits to Commercial Clubs
 - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines

- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises (under the Licensing Act 2003) where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the permits and licences that are issued under these functions

4.2 It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

4.3 The council is responsible for the administration of premises licenses under the Gambling Act 2005. The types and numbers of licensed premises as at 1 January 2016 were as follows:

Premise Type	Number
Bingo Premises	0
Betting Premises	7
Adult Gaming Centre	3
Family Entertainment Centre	2

4.4 A map of the area of Hart District is attached as Appendix A

5.0 Consultation on the Statement of Principles

5.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they propose to apply when exercising their functions. This statement must be renewed at least every three years. The statement should also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be re-published.

5.2 The Licensing Authority will consult widely upon this statement before finalising and publication.

5.3 The Gambling Act requires that the following parties are consulted by licensing authorities:

- (i) The Chief Officer of Police for Hampshire;
- (ii) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Hart District Council area;
- (iii) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Act.

5.4 In accordance with the guidance the following persons have also been consulted on this revised statement:

- All ward members
- All parish councils
- All bordering local authorities
- Hampshire Police Licensing Team
- All responsible authorities under the Gambling Act 2005
- Holders of existing licences and permits who will be affected by the provisions of the Act
- The Bingo Association
- British Beer & Pub Association
- Association of British Bookmakers (ABB)
- Business In Sport & Leisure
- National Casino Industry Forum
- Racecourse Association Limited
- BACTA
- The British Association of Leisure Parks, Piers & Attractions Ltd
- British Holiday & Home Parks Association (BH&HPA)
- Greyhound Board of Great Britain
- GamCare
- Gamblers Anonymous (UK)

5.5 The policy was approved at a meeting of the Full Council on and was published via its website on Copies were placed in the public libraries of the area as well as being available in the Licensing section of the Civic Offices.

5.6 The Licensing Authority will also consult the above and any other relevant persons as may be appropriate for any subsequent revision of the policy.

5.7 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application for a premises licence or apply for a review of such a licence as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

6.0 Declaration

6.1 In publishing this document, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

7.0 Responsible authorities and interested parties

7.1 When dealing with applications for and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as “**responsible authorities**” and “**interested parties.**” (It should be noted that these are defined differently to those defined in the

Licensing Act 2003). Representations made by persons other than responsible authorities or interested parties will be inadmissible.

7.2 The council will only consider representations that are relevant, which are likely to be those that relate to the licensing objectives, or that raise issues under this statement of principles, the Commission's guidance or Codes of Practice.

7.3 The council will examine closely all representations to ensure that they are not frivolous or vexatious.

7.4 "**Responsible authorities**" are public bodies that must be notified of applications by the applicant. They are as follows:

- (i) the Licensing Authority in whose area the premises are wholly or partly situated;
- (ii) the Gambling Commission;
- (iii) the Chief Officer of Police;
- (iv) the Fire and Rescue Authority;
- (v) the local Planning Authority;
- (vi) the Public Health Protection Service;
- (vii) Hampshire Social Services Department;
- (viii) HM Customs and Excise; and
- (ix) Any other person prescribed by the Secretary of State

A full list and contact details of all the Responsible Authorities is attached at Appendix B.

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

- (i) The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- (ii) The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

7.6 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority has designated the Child Protection Service, Safeguarding Unit at Hampshire County Council as the body, which is competent to advise the authority about the protection of children from harm.

7.7 "**Interested parties**" are persons who may make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:

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

- (i) lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- (ii) has business interests that might be affected by the authorised activities; or
- (iii) Represents persons in either of those two groups referred to above.

7.8 Each case will be considered on its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

7.9 The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations, trade unions, and residents' and tenants' associations (paragraph 8.17 of the Gambling Commission Guidance for local authorities). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act, i.e. lives sufficiently close to the premises to be likely affected by the activities being applied for.

7.10 Interested parties can be persons who are democratically elected such as district councilors and MP's. Where appropriate this will include county, parish and town councilors. No specific evidence of being asked to represent an interested person will be required as long as the councilor / MP represent the area likely to be affected. In other cases the licensing authority will satisfy themselves on a case by case basis. For example, a school head might act in representing the interests of pupils and parents.

7.11 If interested parties wish to approach councilors to ask them to represent their views then care should be taken that the councilors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Shared Licensing Service, Hart District Council on 01252 774496 or email_licence@hart.gov.uk

7.12 Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

8.0 Exchange of Information

8.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with 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 act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities 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 Should any protocols be established as regards information exchange with other bodies then they will be made available on the Council's website www.hart.gov.uk

9.0 Human Rights and Equal Opportunities

9.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention.

9.2 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

9.3 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

9.4 The council has a range of equality policies and these have been taken into account when drafting this policy.

10.0 Compliance and Enforcement

10.1 Licensing authorities are required by regulation under the Act 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 This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- (i) **Proportionate**: intervention only when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- (ii) **Accountable**: decisions must be justified, and subject to public scrutiny;
- (iii) **Consistent**: rules and standards must be joined up and implemented fairly;
- (iv) **Transparent**: regulators should be open, and keep regulations simple and user friendly; and
- (v) **Targeted**: focused on the problem, and minimise side effects.

10.3 The Licensing Authority will endeavor to avoid duplication with other regulatory regimes so far as possible.

10.4 The council has adopted a risk-based inspection programme, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach will be based on DCMS and the Gambling Commission's Guidance.

10.5 The main enforcement and compliance role for the Licensing Authority will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences it issues. It should also be noted that concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

10.6 The council has an approved Licensing Enforcement Policy which complies with the Regulatory Compliance Code (2014).

11.0 The Licensing Authority Functions

11.1 The Licensing Authority will:

- (i) Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- (ii) Issue *Provisional Statements*
- (iii) Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- (iv) Issue *Club Machine Permits* to *Commercial Clubs*
- (v) Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- (vi) Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- (vii) Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- (viii) Register *small society lotteries* below prescribed thresholds
- (ix) Issue *Prize Gaming Permits*
- (x) Receive and Endorse *Temporary Use Notices*
- (xi) Receive *Occasional Use Notices*
- (xii) Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- (xiii) Maintain registers of the permits and licences that are issued under these functions

11.2 The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.

PART B - Premises Licences

12.0 General Principles

12.1 In carrying out its functions, Hart District Council will regulate gambling in the public interest and will have regard to the guidance issued under section 25 of the Act. With the exception of premises licensing and temporary use notices, this authority may use its discretion where there are strong and defensible reasons for departing from the guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.

12.2 The Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it is:

- (i) in accordance with any relevant code of practice issued by the Gambling Commission;
- (ii) in accordance with any relevant guidance issued by the Commission;
- (iii) reasonably consistent with the licensing objectives; and
- (v) in accordance with this statement of licensing policy.

12.3 The Licensing Authority appreciates that as per the Gambling Commission's Guidance "moral objections to gambling are not a valid reason to reject

applications for premises licences”, and also that unmet demand is not a criterion for the Licensing Authority.

Definition of “premises”

- 12.4 “Premises” is defined in the Act as “at any place”. Different premises licences cannot apply in respect of a single premises at different times (Section 152 of the Act). 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. However the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 12.5 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed betting premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licences.
- 12.6 In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity:
- The offer of established core products (including live event pictures and bet range)
 - The provision of information on products and events
 - The promotion of gambling opportunities and products
 - The actual use made of betting facilities
 - The size of premises
 - The delivery of betting facilities
- 12.7 Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 12.8 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are

ready to be used for gambling. This Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location

12.9 The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's guidance, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

13.0 The Licensing Objectives

13.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below:

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

13.2 This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime, this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

13.3 The council will attach appropriate conditions to licences/certificates to deter and prevent crime and disorder where appropriate and necessary.

B. Ensuring that gambling is conducted in a fair and open way;

- 13.4 This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks, which is explained in more detail in the “tracks” section.

C. Protecting children and other vulnerable persons from being harmed or exploited by gambling;

- 13.5 This Licensing Authority has noted that the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.
- 13.6 The Licensing Authority will also make itself aware of the Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 13.7 The council will have regard to the proposed location of gambling premises where they are located close to a school or to some other premises occupied by vulnerable persons who may be exploited or at risk from the proposed activities. Each application will be considered on its individual merits and consideration given to any potential risks to children and vulnerable persons in the vicinity and also any steps proposed to be taken by an applicant to promote the licensing objective relating to children and vulnerable persons.
- 13.8 In accordance with the Gambling Commission's guidance, this council may consider specific measures are required at particular premises in order to promote this licensing objective. These could include the supervision of entrances and/or machines, segregation of areas, CCTV, log books etc.
- 13.9 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will, for regulatory purposes, assume 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 a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case-by-case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 13.10 The Licensing Authority will expect that staff employed in premises which are licensed under The Gambling Act 2005 (betting shops for example), to be

trained in social awareness on how to identify persons with gambling problems. The Licensing Authority will also expect staff to be able to offer and advice guidance through GamCare, the national centre for persons who may have a gambling problem. The Licensing Authority will therefore expect that GamCare leaflets are prominently displayed on their premises.

- 13.11 The Licensing Authority will expect that Family Entertainment Centres and Adult Gaming Centres where category C machines are situated to be permanently staffed to prevent entry to such areas by persons under the age of 18 years. (See Appendix C – Types of Gaming Machines).

14.0 Conditions on Premises Licences

- 14.1 The Licensing Authority will ensure that any conditions imposed are proportionate to the circumstances, which they are seeking to address, and will ensure that any premises licence conditions are proportionate and:

- (i) relevant to the need to make the proposed building suitable as a gambling facility;
- (ii) directly related to the premises and the type of licence applied for;
- (iii) fairly and reasonably related to the scale and type of premises; and
- (iv) reasonable in all other respect

- 14.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

- 14.3 The Licensing Authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include:

- (i) Supervision of entrances;
- (ii) Segregation of gambling from non-gambling areas frequented by children;
- (iii) Supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Gambling Commission's Guidance.

- 14.4 The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- (i) 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;

- (ii) only adults are admitted to the area where these machines are located;
- (iii) access to the area where the machines are located is supervised at all times to prevent access by persons under 18
- (iv) the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- (v) 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.

- 14.5 The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 14.6 It is noted that there are conditions that the Licensing Authority cannot attach to premises licence which are:
- (i) any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - (ii) conditions relating to gaming machine categories, numbers, or methods of operation;
 - (iii) 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
 - (iv) conditions in relation to stakes, fees, winnings or prizes

Door Supervisors

- 14.7 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors 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 door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). Applicants for the role of Door Supervisors will be required to submit a current enhanced Criminal Records Bureau check with their application. This licensing authority therefore will take into consideration relevant criminal convictions, cautions, or formal reprimands of applicants for Door Supervisors.
- 14.8 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for

particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

15.0 Other Legislation

- 15.1 The Licensing Authority will only take into account matters relating to gambling and to the objectives stated within the Act when considering an application for a premises licence. However, it is for the operator to ensure that premises comply with other relevant legislation such as fire safety, food safety and health and safety. It should be noted that these examples are not exhaustive, and applicants must ensure that they comply with all other regulatory regimes in respect of their employees and the public.
- 15.2 So far as is possible, this statement of policy will avoid duplicating those other regulatory regimes.

16.0 Adult Gaming Centres (AGC)

- 16.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure, for example, that persons under the age of 18 do not have access to the premises.
- 16.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however, appropriate measures/licence conditions may cover issues such as:
- (i) Proof of age schemes
 - (ii) CCTV
 - (iii) Supervision of entrances/machine areas
 - (iv) Physical separation of areas
 - (v) Location of entry
 - (vi) Notices/signage
 - (vii) Specific opening hours
 - (viii) Self-barring schemes
 - (ix) Provision of information leaflets/helpline numbers for organisations such as GamCare. (see section 10.7)
 - (x) Permanently staffed at all times.

This list is neither mandatory nor exhaustive and is merely indicative of example measures.

17.0 Licensed Family Entertainment Centres

- 17.1 The Act creates two classes of family entertainment centre (FEC). Licensed FEC's can provide category C and D machines and require a Premises Licence. Unlicensed FEC's provide category D machines only and are regulated through FEC gaming machine permits.

- 17.2 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that persons under the age of 18 do not have access to the adult gaming machine areas.
- 17.3 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- (i) CCTV
 - (ii) Supervision of entrances/machine areas
 - (iii) Physical separation of areas
 - (iv) Location of entry
 - (v) Notices/signage
 - (vi) Specific opening hours
 - (vii) Self-barring schemes
 - (viii) Provision of information leaflets/helpline numbers for organisations such as GamCare body responsible Gambling Addiction
 - (ix) Measures/training for staff on how to deal with suspected truant school children on the premises

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

- 17.4 The Licensing Authority will refer to any conditions applied by the Gambling Commission to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences when published.

18.0 Casinos

No Casinos resolution

- 18.1 The Licensing Authority has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.
- 18.2 Any such decision will be made by the Full Council.
- 18.3 Casinos and competitive bidding – Hart District Council is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (ie the Secretary of State has made such regulations under section 175 of the Act) there are likely to be a number of operators which will want to operate the casino. In such situations the local authority will hold a ‘competition’ under Schedule 9 of the Act. The Council will run such a competition in line with any regulations issued under the Act.

Licence considerations/conditions

- 18.4 This authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's guidance documents, bearing in mind the mandatory conditions listed in the Guidance, and the licence conditions and Codes of Practice published by the Gambling Commission.

Betting machines

- 18.5 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.

19.0 Bingo premises

- 19.1 This licensing authority notes the Gambling Commission guidance which states that authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 19.2 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo. If category B or C machines are made available for use this authority will require those machines to be located in a part of the premises to which children and young persons are not permitted.

20.0 Betting premises

- 20.1 **Betting machines** – The Licensing Authority will, in accordance with 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.

21.0 Race Tracks

- 21.1 The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the

need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 21.2 The Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 21.3 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- (i) Proof of age schemes
 - (ii) CCTV
 - (iii) Supervision of entrances / machine areas
 - (iv) Physical separation of areas
 - (v) Location of entry
 - (vi) Notices / signage
 - (vii) Specific opening hours
 - (viii) Self-barring schemes
 - (ix) Provision of information leaflets / helpline numbers for organisations such as GamCare

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

Gaming machines

- 21.4 Further guidance from the Gambling Commission is awaited regarding where such machines may be located on tracks and regarding any special considerations that should apply in relation, for example, to supervision of the machines and to preventing children from playing them. The Licensing Authority will consider the location of gaming machines at tracks. Applicants for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines

- 21.5 The Licensing Authority will take into account both the size of the premises 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. It will also take note of the Gambling

Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed

- 21.6 The Gambling Commission has advised in its Guidance for local authorities that *“...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”*

Applications and plans

- 21.7 This Licensing Authority will have regard to the Gambling Commission's suggestion that to ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require.

This will include:

- (i) detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”)
 - (ii) in the case of dog tracks and horse racecourses plans should show fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.
 - (iii) Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- 21.8 This Licensing Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

22.0 Travelling Fairs

- 22.1 It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met.
- 22.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

22.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

23.0 Provisional Statements

23.1 The Licensing Authority will consider provisional statement applications from persons in respect of premises that:

- (i) Are expected to be constructed;
- (ii) Expected to be altered;
- (iii) Expected to be acquired as a right to occupy.

23.2 Responsible authorities and interested parties may make representations on applications for provisional statements.

23.3 Once the premises have been constructed, altered or acquired the holder of a provisional statement can return to the Licensing Authority and put in an application for the necessary premises licence. However, in terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which either could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional stage; or
- which, in the authority's opinion, reflect a change in the operator's circumstances.

23.4 The Licensing Authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

24.0 Reviews of Premises Licences

24.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the authority to wish to

alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:

- i) In accordance with any relevant code of practice issued by the Gambling Commission;
- ii) In accordance with any relevant guidance issued by the Gambling Commission;
- iii) Reasonably consistent with the licensing objectives; and
- iv) In accordance with the Licensing Authority's statement of principles.

24.2 The Licensing Authority can also initiate a review of a licence, on the basis of any reason which it thinks is appropriate.

Part C - Permits/Temporary & Occasional Use Notices

25.0 Unlicensed Family Entertainment Centre Gaming Machine Permits

25.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

25.2 The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under Section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles for permits..., licensing authorities will want to give weight to child protection issues."

25.3 The Guidance also states: "...An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application.

25.4 The Licensing Authority cannot attach conditions to this type of permit.

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

- i) appropriate measures / training for staff as regards suspected truant school children on the premises,
- ii) measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

25.6 The Licensing Authority will also expect that

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

26.0 Alcohol Licensed Premises Gaming Machine Permits

26.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. (see appendix C) The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- i) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- ii) gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- iii) the premises are mainly used for gaming; or
- iv) an offence under the Gambling Act has been committed on the premises

26.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission, and "*such matters as they think relevant.*"

26.3 The Licensing Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under the age of 18 do not have access to the adult only gaming machines. Measures which will satisfy the authority may include:

- i) 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 persons under the age of 18;
- ii) Notices and signage; and
- iii) Provision of information leaflets/helpline numbers for organisations such as GamCare.

- 26.4 The Licensing Authority recognises that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 26.5 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.
- 26.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

27.0 Prize Gaming Permits

- 27.1 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 27.2 The applicant should set out the types of gaming that he or she is intending to offer and should be able to demonstrate:
- i) that they understand the limits to stakes and prizes that are set out in Regulations; and
 - ii) that the gaming offered is within the law
- 27.3 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
- i) the limits on participation fees, as set out in regulations, must be complied with;
 - ii) all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - iii) 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
 - iv) participation in the gaming must not entitle the player to take part in any other gambling.

28.0 Club Gaming and Club Machines Permits

- 28.1 Members Clubs and miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines

(3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

28.2 Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. 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 Royal British Legion and clubs with political affiliations.

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

- the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- 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; or
- an objection has been lodged by the Commission or the police

28.4 There is a 'fast-track' procedure available under the Act 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 Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced and the grounds on which an application under the process may be refused are:

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

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

29.0 Temporary Use Notices

29.1 A temporary use notice allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises

temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice include hotels, conference centres and sporting venues.

- 29.2 Comprehensive planning of events is essential, particularly in the case of large outdoor events. Therefore, whilst the legal minimum notice period for service of Temporary Use Notices is 3 months, the council will expect applicants to have consulted with responsible authorities prior to submitting a Temporary Use Notice.
- 29.3 Licensing authorities can only grant a temporary use notice to a person or company holding a relevant operating licence, in effect a non-remote casino operating licence.
- 29.4 Temporary event use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 29.5 There are a number of statutory limits as regards to temporary use notices. This authority will have to decide what constitutes a 'set of premises' where temporary use notices are received relating to the same building/site. In deciding this issue, the Council will look at the ownership/occupation and control of the premises, and other relevant matters. Each application will be considered on its merit.
- 29.6 This authority expects 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 in accordance with Gambling Commission guidance..

30.0 Occasional Use Notices

- 30.1 The Act 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.
- 30.2 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 need though to consider the definition of a "track" and whether the applicant is permitted to avail him/herself of the notice.

Part D - Other Information

31.0 Rights of appeal and judicial review

- 31.1 The Licensing Authority is aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. It also

recognises that failure to give reasons for a decision may compel a person to appeal. The Licensing Authority will:

- i) give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
- ii) wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.

31.2 An appeal has to be commenced by the giving of a notice of appeal by the appellant to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

31.3 Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

32.0 Small Society Lotteries

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

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

32.2 When societies who want to register in order to operate lotteries, they will need to refer to the Act's definition of a small society lottery which falls into two distinct areas:

- Society status – the society in question must be 'non-commercial';
- Lottery size – defined monetary values on single lottery ticket values, and aggregate sales per calendar year.

32.3 This authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries and considers the following list, although not exclusive, could affect the risk status of the operator:

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

33.0 Other matters

33.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the following information will be made available from the Licensing section at Hart District Council:

- i) Register of premises licences issued by The Licensing Authority
- ii) Fees
- iii) Guidance on how to make an application
- iv) List of responsible authorities and contact details
- v) Application forms, where appropriate
- vi) Making representations
- vii) Applying for a review of a licence

DRAFT

34.0 The Licensing Authority Delegations

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licence		Where representations have been received and	Where no representations received/
Application for a variation to a premises licence		Where representations have been received and	Where no representations received/
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the
Application for a provisional transfer		Where representations have been received and	Where no representations received/
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Making Representations or seeking reviews as			X

Appendix B - Responsible authorities

Licensing Authority:

Shared Licensing Service, Hart District Council, Civic Offices, Harlington Way, Fleet, Hants, GU51 4AE

Email: licence@hart.gov.uk

Tel 01252 774296

Planning Authority:

Development Control Department, Hart District Council, Civic Offices, Harlington Way, Fleet, Hants, GU51 4AE

Tel 01252 774419

Email: help.desk@hart.gov.uk

Public Nuisance and Public Safety:

Environmental Health Department, Hart District Council, Civic Offices, Harlington Way, Fleet, Hants, GU51 4AE

Email: eh@hart.gov.uk

Police:

The Licensing Officer, Hampshire Constabulary, Basingstoke Police Station, Basingstoke, Hants, RG21 2AD

Email: force.licensing@hampshire.pnn.police.uk

Fire Service:

Hampshire Fire and Rescue Service, Service Delivery (Community Safety Delivery), Protection Department, Southsea Fire Station, Somers Road, Southsea, Hants PO5 4LU

Email: csprotection.admin@hantsfire.gov.uk

Gambling Commission:

Victoria Square House, Victoria Square, Birmingham, B2 4BP

Email: info@gamblingcommission.gov.uk

Adult Service Headquarters:

Trafalgar House, The Castle, Winchester, SO23 8QU

Email: ssab0199@hants.gov.uk

Revenue and Customs:

Customs and Excise, National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ.

Email: nrubetting&gaming@hmrc.gsi.gov.uk

Child Protection Service:

Team Manager, CSD Safeguarding Unit, Hampshire County Council, Clarendon House Winchester, SO22 5PW

Email: child.protection@hants.gov.uk

APPENDIX C - TYPES OF GAMING MACHINES

Section 235 of the Gambling Act 2005 defines a gaming machine as a machine that is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes). This includes machines that accept bets on virtual (as opposed to real) events and machines that sell post-drawn lottery tickets and chances (such as video lottery terminals)

The regulations define four classes of gaming machine, known as categories A to D with category B being further divided into sub-categories, according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver.

The categories are:

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£25	£10000*
B2	£100 (In multiples of	£500
B3	£2	£500
B3A	£2	£500
B4	£	£400
C	£1	£100
D non-monetary prize (other than crane grab	30p	£8
D non-monetary prize (crane grab machine)	£1	£50
D money prize	10p	£5
D combined money & non- money prize (other than coin pusher or	10p	£8 (of which no more than £5 may be a money prize)
D combined money & non- money prize (coin pusher or penny falls	20p	£20 (of which no more than £10 may be a money prize)

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

There is a minimum permitted age of 18 for all players for all machines in categories A, B and C. At present there is no minimum age for players of category D machine. However the Secretary of State has a reserve power to set a minimum age for playing category D machines with an associated power to exempt certain machines like cranes and penny pushers. The holder of a permit or premises licence will have to ensure that he complies with the codes of practice, issued by the Gambling Commission, on the location and access to such machines by children and young persons, and their separation from category C and B machines where those are also located on the same premises.

New Appendix D - Summary of gaming entitlements for clubs and alcohol-licensed premises

Gaming Machines by Premises Type

Type	Gaming Tables (Minimum)	Gaming Machines
Large Casino (machine/table ratio of 5-1 up to maximum) <i>This premises licence type is not permitted in Hart</i>	1	Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)
Small Casino (machine/table ratio of 2-1 up to maximum) <i>This premises licence type is not permitted in Westminster.</i>	1	Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio).
Pre – 2005 Act casino premises (no machine/table ratio)	n/a	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead.
Bingo premises	n/a	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines.
Betting premises and tracks occupied by pool betting.	n/a	Maximum of 4 machines categories B2 to D (except B3A machines)
Adult Gaming Centre	n/a	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines.
Family Entertainment Centre with premises licence	n/a	No limit on category C or D machines.
Family Entertainment Centre with permit	n/a	No limit on category D machines.
Clubs or miners' welfare institute (with permits)	n/a	Maximum of 3 machines in categories B3A or B4 to D*
Qualifying alcohol-licensed premises	n/a	1 or 2 machines of category C or D automatic upon notification.
Qualifying alcohol-licensed premises (with gaming machine permit).	n/a	Number of category C – D machines as specified on permit.
Travelling fairs	n/a	No limit on category D machines.

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

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

DRAFT