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:

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This is the Stage 2 review of the Statement of Principles as determined by Hart District Council, the Licensing Authority, in respect of its licensing functions, with regard to the Gambling Act 2005. This statement commences on [date] 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.

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.
PART A

1.0 Licensing Objectives

1.1 In exercising their functions under the Gambling Act 2005, Hart District Council in its role as 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 these objectives.

1.2 The Council 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 Council 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

1.4 The Gambling Commission will play the leading role in preventing gambling from being a source of crime and ensuring gambling is conducted in a fair and open way.

2.0 Introduction to Hart District Council

2.1 Hart District is situated in the County of Hampshire which contains 11 district and borough councils and 2 unitary authorities. Hart District has a population of around 91,000 (according to 2011 census figures) 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 good transport links across the District, with railway stations located at Fleet, Hook, Winchfield and Blackwater. The M3 also passes through Hart District at Hook, Fleet and Minley. The District’s close proximity and accessibility to London make it an attractive business and commuter location.

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

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 and susceptible 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 support 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 own merits.

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:

i) Being responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences

ii) Issuing Provisional Statements

iii) Regulating members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
iv) Issuing Club Machine Permits to Commercial Clubs

v) Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres

vi) Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines

Vii) Granting 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) Registering small society lotteries below prescribed thresholds

ix) Issuing Prize Gaming Permits

x) Receiving and endorsing Temporary Use Notices

xi) Receiving Occasional Use Notices

xii) Providing information to the Gambling Commission regarding details of licences issued

xiii) Maintaining 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 February 2016 were as follows:

<table>
<thead>
<tr>
<th>Premise Type</th>
<th>Number</th>
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<tbody>
<tr>
<td>Bingo Premises</td>
<td>0</td>
</tr>
<tr>
<td>Betting Premises</td>
<td>7</td>
</tr>
<tr>
<td>Adult Gaming Centre</td>
<td>3</td>
</tr>
<tr>
<td>Family Entertainment Centre</td>
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and any other such premises from time to time.

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 Council, as the Licensing Authority, will consult widely upon this statement before finalizing 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 council’s functions under the Act.

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

   i) All District ward members
   ii) All parish councils
   iii) All bordering local authorities
   iv) Hampshire Police Licensing Team
   v) All responsible authorities under the Gambling Act 2005
   vi) Holders of existing licences and permits who will be affected by the provisions of the Act
   vii) The Bingo Association
   viii) British Beer & Pub Association
   ix) Association of British Bookmakers (ABB)
   x) Business In Sport & Leisure
   xi) National Casino Industry Forum
   xii) Racecourse Association Limited
   xiii) BACTA
   xiv) The British Association of Leisure Parks, Piers & Attractions Ltd
   xv) British Holiday & Home Parks Association (BH&HPA)
   xvi) Greyhound Board of Great Britain
   xvii) GamCare
   xviii) Gamblers Anonymous (UK)

5.5 The policy was adopted at a meeting of the Full Council on 31 March 2016 and was published via the Council’s website following adoption.

5.6 The Council 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 Council 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 rejected.

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, vexatious or repetitive.

7.4 “Responsible authorities” are public bodies that must be notified of applications by an 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 Council 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 Council 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 Council’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 Council 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 Council, 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 own merits. This Council 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 the term “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups, schools and medical practices.

7.9 No specific evidence of being asked to represent an interested person will be required as long as the councillor and/or MP represents the ward in which the proposed premises is located. Likewise, parish councillors in whose parish the proposed premises are located will be considered to be interested parties. 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 affected by the authorized activities and/or has business interests that might be affected by the authorized activities. A letter from one of these persons requesting the representation is sufficient.

7.10 The Council is unlikely to consider arguments from one gambling business making representations that they could be affected by another gambling business expanding into any part of the country.

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

7.12 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 622122 or email: licence@hart.gov.uk

8.0 Exchange of Information

8.1 The Council will act in accordance with the provisions of the Act and the Data Protection Act 1998 in its exchange of information. It will also have regard to Gambling Commission guidance issued under section 25 of the Gambling Act 2005. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.
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 The main enforcement and compliance role for the Council will be to ensure compliance with the premises licences and permissions which it authorizes. The Gambling Commission will be the enforcement body for the operator and personal licences it issues, and also the manufacture, supply or repair of gaming machines.

10.2 This Council’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 Council 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 Council has an approved Licensing Enforcement Policy which complies with the Regulators Code (2014) and is available on the Council’s website at: www.hart.gov.uk

11.0 The Licensing Authority Functions

11.1 The Council, as 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 Council 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, as the Licensing Authority, 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 Council may use its discretion where there are strong and defensible reasons for departing from the guidance and where it considers it right. In any such case this Council will clearly express and explain its reasons for doing so.

12.2 The Council 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
(iv) in accordance with this statement of licensing policy.

12.3 The Council 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.

12.4 The Council will seek to ensure that there are sufficient facilities for betting at all times at licensed premises where Gaming Machines are to be utilised.

Definition of “Premises”

12.5 “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.

12.6 This Council also notes Gambling Commission guidance on ensuring that betting is the primary activity of 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.
12.7 In making this determination, this Council 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

12.8 The Council 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.

12.9 It should also be noted than 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 references 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 Council 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 Council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location

12.10 The Council 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 Council 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.

12.11 Local Area Profile and Risk Assessments

12.12 The council has undertaken an assessment of the District having regard to the number of licensed gambling premises. A Local Area Profile has been produced showing locations of nearby premises that may need to be considered as part of an applicant’s risk assessment for an application for a premises licence. It is expected that applicants and licence holders will have regard to the profile when undertaking the required assessments. Further
13.0 The Licensing Objectives

13.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Council 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 Council 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 Council 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 Council 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 The responsibility for ensuring gambling is conducted in a fair and open way rests principally with the Gambling Commission. The only exception is the licensing of betting tracks, such as greyhound or horse racing tracks, of which there are none currently in the district. Should such an establishment wish to operate in the district, the Council will consider attaching conditions to ensure that the betting environment is suitable

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

13.5 This Council 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 Council 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 Council 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 or susceptible persons.

13.8 The Council will consider this objective in relation to 'vulnerable persons' on a case by case basis. It will, however, 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 learning difficulty or use of alcohol or drugs.

13.9 In accordance with the Gambling Commission’s guidance, this Council may consider that 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.

13.10 The Council will expect that staff employed in premises, which are licensed under The Gambling Act 2005 (betting shops for example), would be trained in social awareness on how to identify persons with gambling problems. The Council will also expect staff to be able to offer advice and guidance through GamCare, the national centre for persons who may have a gambling problem. The Council will therefore expect that GamCare leaflets are prominently displayed on their premises.

13.11 The Council 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 Council will not routinely attach conditions that limit the use of premises for gambling, where it is operating:

- in accordance with the Gambling Commission guidance, the Gambling Commission codes of practice or this policy statement; or
- in a way that is reasonably consistent with the licensing objectives,

apart from the mandatory and default conditions specified within the Gambling Act.

14.2 The Council 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:

(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
14.3 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Council 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 Council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

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

(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 Council is aware that betting 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 Council 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 Council cannot attach to premises licences 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. Where a condition is included on a licence that requires the provision of door supervisors as defined under section 178 of the Gambling Act 2005, any person employed in that capacity must be licenced by the Security Industry Authority. Where staff employed at Bingo halls and casino’s by the business at the licensed premises (not by the SIA) the Council will require those staff to provide an enhanced disclosure an barring service criminal history record.

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 Council 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 Council will specifically have regard to the need to protect children and vulnerable persons from harm or from 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 Council will expect applicants to offer their own measures to meet the licensing objectives. 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
17.0 Licensed Family Entertainment Centres

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

17.2 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling and will expect the applicant to satisfy the Council 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 Council will expect applicants to offer their own measures to meet the licensing objectives. 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, the 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 Council 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 Council 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 Council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council 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 (i.e., 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 Council 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 Council 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 Council 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 Council notes the Gambling Commission guidance which states that licensing 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 Council 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 Council 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 Council is aware that betting tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Council 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 Council 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 race 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 Council 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 betting 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 Council will consider the location of gaming machines at betting tracks. Applicants for betting 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 betting track.
Betting machines

21.5 The Council 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 Council 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 as 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 Council 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 Council to decide whether 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 is that the facilities for gambling should amount to no more than an ancillary amusement at the fair.
22.2 The Council 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 Council 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 Council will consider provisional statement applications from persons in respect of premises that:

(i) are expected to be constructed;
(ii) are expected to be altered;
(iii) are 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 Council 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. Not 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 Council's opinion, reflect a change in the operator's circumstances.

23.4 The Council 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 Council 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, or whether it is substantially the same as previous representations or requests for review. Relevant matters would be those:
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 Council 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 an applicant has premises but does not hold a premises licence but wishes to provide gaming machines, that person may apply to the Council for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (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 Council cannot attach conditions to this type of permit.

25.5 The Council 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 be considered on their merits, however, they may include the following:

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

25.6 The Council 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) the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
iii) 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 Council. The Council 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

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 the proprietor of a business wishes to have more than 2 machines, then that person needs to apply for a permit and the Council 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 Council 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 Council recognises that some alcohol licensed premises may apply for a permit 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 Council 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 Council 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 Council cannot attach further 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 be controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

28.3 The Council may only refuse an application on the grounds that:
27. 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;

27. The applicant's premises are used wholly or mainly by children and/or young persons;

27. An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

27. A permit held by the applicant has been cancelled in the previous ten years; or

27. An objection has been lodged by the Gaming 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. 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 so 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 The Council 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 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 Council 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 merits.

29.6 This Council 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 Council 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 Council will need 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 Council 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 Council 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 Council 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 Societies who want to register in order to operate lotteries 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 Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries and considers the following list, although not exclusive, which 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
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</tbody>
</table>
APPENDIX A — MAP OF HART DISTRICT
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.ukHM

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

I suggest the need to check that these contacts are up to date.
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:

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

*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.
### Appendix D - Summary of gaming entitlements for clubs and alcohol-licensed premises

#### Gaming Machines by Premises Type

<table>
<thead>
<tr>
<th>Type</th>
<th>Gaming Tables (Minimum)</th>
<th>Gaming Machines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Casino</td>
<td>1</td>
<td>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)</td>
</tr>
<tr>
<td>(machine/table ratio of 5-1 up to maximum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>This premises licence type is not permitted in Hart</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Casino</td>
<td>1</td>
<td>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)</td>
</tr>
<tr>
<td>(machine/table ratio of 2-1 up to maximum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>This premises licence type is not permitted in Westminster.</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre – 2005 Act casino premises (no machine/table ratio)</td>
<td>n/a</td>
<td>Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead.</td>
</tr>
<tr>
<td>Bingo premises</td>
<td>n/a</td>
<td>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.</td>
</tr>
<tr>
<td>Betting premises and tracks occupied by pool betting</td>
<td>n/a</td>
<td>Maximum of 4 machines categories B2 to D (except B3A machines)</td>
</tr>
<tr>
<td>Adult Gaming Centre</td>
<td>n/a</td>
<td>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.</td>
</tr>
<tr>
<td>Family Entertainment Centre with premises licence</td>
<td>n/a</td>
<td>No limit on category C or D machines.</td>
</tr>
<tr>
<td>Family Entertainment Centre with permit</td>
<td>n/a</td>
<td>No limit on category D machines.</td>
</tr>
<tr>
<td>Clubs or miners' welfare institute (with permits)</td>
<td>n/a</td>
<td>Maximum of 3 machines in categories B3A or B4 to D*</td>
</tr>
<tr>
<td>Qualifying alcohol-licensed premises</td>
<td>n/a</td>
<td>1 or 2 machines of category C or D automatic upon notification.</td>
</tr>
</tbody>
</table>
Qualifying alcohol-licensed premises (with gaming machine permit).
Travelling fairs

|                           | n/a | Number of category C – D machines as specified on permit. | 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.
Gambling Act 2005

Statement of Principles

Appendix E

GUIDANCE FOR APPLICANTS UNDERTAKING RISK ASSESSMENTS
1 Introduction

1.1 The Gambling Commission (the Commission) has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP) which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks.

1.2 The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and the probability of such risk. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk on the impact on the licensing objectives.

1.3 Hart District Council (the Council) has developed this guidance to assist gambling operators in undertaking and preparing their local gambling risk assessments.

1.4 Gambling operators will be required to undertake a risk assessment for all of their existing premises by 06 April 2016. Following that date operators must also undertake a review of those assessments when certain triggers are met. These triggers, along with the Council’s views on what would instigate either a new assessment or the review of an existing one are detailed within this guidance document.

1.5 The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Council will assist operating in this process by providing specific information on its concerns surrounding gambling within Hart District and the impact that premises can have on the licensing objectives. This will be contained within its Statement of Licensing Principles.

1.6 This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, which as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

2 Background

2.1 Hart District Council is the Licensing Authority under the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within Hart District Council. The Licensing Authority also has a role in gambling regulation by ensuring compliance with the Act.

2.2 The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and the way that gambling operators carry on their activities. They 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.

(c) Protecting children and vulnerable persons from being harmed or exploited by gambling.

2.3 The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with 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 where appropriate, for example to attach conditions to licences to moderate their impact on the licensing objectives, rather than by setting out to prevent gambling altogether.

2.4 The Licensing Authority will set out how it intends to carry out its functions under the Act in its Statement of Licensing Principles. This statement is kept under review and is updated every five years.

2.5 The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling.

2.6 In February 2015 [following consultation] the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments.

3 Social Responsibility Code Provision 10.1.1 - Assessing local risk

3.1 All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

This provision came into force on 06 April 2016.

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy.

2. Licensees must review (and update as necessary) their local risk assessments:
To take into account of significant changes in local circumstances, including those identified in a licensing authority’s statement of licensing policy;

b) When there are significant changes at a licensee’s premises that may affect their mitigation of local risks;

c) 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.

4  **Ordinary code provision 10.1.2 - Sharing local risk assessments**

4.1 All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

This provision came into force on 06 April 2016

1. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

4.2 These code provisions come into effect on 06 April 2016. As a result, all premises that provide facilities for gambling within Hart District must be assessed to identify the local risks posed by the provision of gambling facilities in their respective locations. This guidance will assist operators in complying with these code provisions. Maps detailing relevant premises for consideration as part of a risk assessment can be found at appendix 1 of this guidance.

5  **Risk Assessment triggers**

5.1 The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. This section sets out the Licensing Authority’s view on what these triggers are and when operators should provide a copy of their risk assessments to the Licensing Authority.

6  **New premises**

6.1 If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out. That assessment should be based on how the premises are proposed to operate at the premises location and must take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

7  **Significant changes in local circumstances**
7.1 Operators are required to review their local risk assessment if significant changes in local circumstances occur.

7.2 The following list sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where Premises are converted to a local supermarket or a new office building is constructed nearby.

- Any pawn brokers/businesses that buy goods for resale open in the local area

- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.

- The local area is identified as a crime hotspot by the police and/or Licensing Authority.

- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

- A new gambling premises opens in the local area.

The list above is not an exhaustive list of significant changes in local circumstances.

7.3 Operators must consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possible an amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

8 Significant changes to the premises

8.1 From time to time operators will undertake a refresh of the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

8.2 The following list sets out some examples of what the Licensing Authority considers to be significant changes to the premises (some of which may also require a variation to the existing premises licence). As
with the examples of significant changes in local circumstances set out above, the following list is not an exhaustive list of significant changes to premises - operators must consider whether any change that they are proposing to their premises is one that may be considered significant.

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator’s internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes. The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.

8.3 The Licensing Authority will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application in which case a copy should be provided.

9 Variation of the premises licence

9.1 Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

9.2 When preparing an application to vary the premises licence the operator must undertake a review of the local risk assessment and update it if necessary. Operators submitting a variation application to the Licensing Authority should provide a copy of the reviewed local risk assessment when submitting the application.

10 Regular review of risk assessment

10.1 As a matter of best practice the Licensing Authority recommends that operators establish a regular review regime in respect of their local
risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises.

11 **Local risks and control measures**

11.1 There are two specific parts to the risk assessment process, the assessment of the local risks and the determination of appropriate mitigation to reduce those risks.

11.2 The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives. The gambling operator will be expected to identify and list all of the local risks within the assessment. The level of such risks can range from being low to very high depending on the potential impact they can have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures necessary to mitigate such risk.

11.3 This process is not new to gambling operators as they are already undertaking elements of this assessment, albeit in a far less formalised way. Operators will already be assessing locations when looking for new sites or when reviewing the performance of their premises. The design of premises is also assessed to ensure that they will meet the needs of the gambling operation, will provide protection for staff and customers; and will have facilities for recording crime. Operators will also have implemented policies and procedures for the operation of premises in line with statutory and other regulatory requirements placed upon them by the Commission and other agencies.

11.4 Operators will already be familiar with identifying risks in relation to health and safety and food hygiene legislation.

11.5 This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. Operators must consider the local area in which the premises are situated, the gambling operation and the premises both internally and externally.

12 **Local area risks**

There are a number of factors relating to the local area that operators will need to consider which is independent of who the operator believes is their target market. A few examples of these factors are listed below:

- The types of premises and their operation in the local area surrounding these premises

- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people.

- Transport links and parking facilities.
• Educational facilities.
• Community centres.
• Hospitals, mental health or gambling care providers.
• Homeless or rough sleeper shelters, hostels and support services.
• The ethnicity, age, economic makeup of the local community.

The local area will be different depending on the premises and the size of its operation.

13  Gambling operational risks

13.1 The gambling operation relates to how the premises will be or is run. This will include the operator’s policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP. It will also include other elements such as:

• the gambling products it provides in the premises.
• the facilities to enable gambling within premises.
• marketing material within premises.
• standard shop fixtures and their design.
• security and crime prevention arrangements.
• shop displays and provision of information to customers.
• staffing levels. It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.

The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

14  Premises design risks

14.1 The design of the premises is an extremely important factor when considering local risks. For example, premises which are located within an area which has a high number of children and young people present throughout the day may identify that their standard external design means that children and young people can see into the premises and see gambling taking place.
14.2 The appropriate mitigation in this case may be for the operator to amend the premises design by installing a screen or by covering the windows to obscure the interior of the premises. Such changes would be considered as control measures to mitigate the risk of attracting children to gambling.

14.3 As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives.

15 Interior design risks

15.1 Internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises, the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as the restrictions on the location of Automated Teller Machines (ATM’s).

15.2 Operators will need to assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter, then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers’ spending habits.

15.3 Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

16 Exterior design risks

16.1 The exterior of premises will be a major advertisement for the gambling operator. However, the design will need to be assessed based on the associated risk. Operators will identify the risk associated with the design and introduce control measures based on that perceived risk.

16.2 For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external Closed Circuit Television Cameras (CCTV).

17 Control measures

17.1 Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems will be measures that have been put in place through policies and procedures.
17.2 These can either be systems that apply to all of the operator’s premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures will include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.

17.2 Design control measures are measures that are built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the exterior design of premises.

17.4 For example, a control measure for the interior of the premises could involve moving a cashier counter from the rear of the premises to the front next to the main entrance. An external design control measure may involve the exterior design being tailored to address local risks, for example, more open window displays to enable staff to see out of the premises or a design to avoid attracting children to the premises.

17.5 Final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include alarms, CCTV cameras or doors.

17.6 As aforesaid, the control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:

**Systems:** PASS card or age verification policies, challenge 25 scheme, staff training and door staff, CCTV.

**Design:** Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.

**Physical:** Magnetic door locks, ID scans, door staff

18 **Licence conditions**

18.1 The control measures specified in these risk assessments may be incorporated into the new or varied premises licences through the imposition of appropriate conditions.

18.2 The Licensing Authority, has attached to this guidance as an appendix provided a pool of model conditions which operators can review and choose to address specific risks depending on the results of their assessment.

19 **Undertaking a local risk assessment**
19.1 A local risk assessment of gambling premises should be carried out through a step-by-step approach. The approach that the Licensing Authority suggests is to first assess the local area and identify the relevant risk factors, then to assess the gambling operation, and finally to assess the premises design, both internal and external.

19.2 Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.

19.3 To assist, the Licensing Authority has developed a local risk assessment form that encompasses the step-by-step approach to the assessment (See Annex A). Operators may use their own risk assessment but the information detailed within this document should form part of the assessment.

20 **Who should undertake the assessment**

20.1 It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP.

20.2 The assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area.

20.3 **Step 1: The local area**

Operators will be expected to identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

To assist in assessing the local area the Licensing Authority has produced a Local Area Profile within its Statement of Licensing Principles.

The first step is to identify the local risk factors associated with the local area in which the premises are located. Local risk factors are risks that affect one or more of the licensing objectives. The Licensing Authority Statement of Principles will identify some of these risk factors which are considered to be of significance for areas of Hart District.

The list below is a small example of some of the risk factors that may be present in an area where gambling premises are located:

- The types of premises and their operation in the local area surrounding these premises
• The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people.

• Transport links and parking facilities.
• Educational facilities.
• Community centres.
• Hospitals, mental health or gambling care providers.
• Homeless or rough sleeper shelters, hostels and support services.
• The ethnicity, age, economic makeup of the local community.
• significant presence of young children
• high crime area
• high unemployment area
• nearby alcohol or drug support facility
• pawn broker businesses in the vicinity.
• other gambling premises in the vicinity.

20.4 Step 2: The gambling operation

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk. The assessor may wish to consider:

• how the gambling operation will relate to how the operator conducts its business
• what gambling products it provides in the premises
• the facilities to enable gambling within the premises
• the staffing levels within the premises
• the level and requirement for staff training
• whether loyalty or account cards are used or not
• the policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
• the security and crime prevention arrangements it has in place
• how it advertises locally and on the premises
• the marketing material within the premises
• the display and provision of information, etc.

20.5 Step 3: The design of the premises

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives.

In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn’t add to that risk.

The design, both internal and external should be considered and specific risk factors identified and noted. For example:
• the premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter.

• the assessor may identify that the design of the entrance to the premises is not sufficiently covered by CCTV to enable the identification of offenders.

• premises which are located within an area which has a high number of children and young people present throughout the day, may identify that their standard external design means that children and young people can see into the premises and see gambling taking place.

These would be identified risk factors that would need to be documented.

20.6 4: Control measures

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks.

Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

20.7 Completed assessment

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure.

The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime.

The Licensing Authority will assess the risks identified and the measures implemented to mitigate those risks.

When a completed assessment is provided with a new application or with a variation application, the authority will consider the assessment in the course of determining whether to grant the application or not. Some control measures identified in the assessment may be put forward as conditions
Legend
- **Hart Care Home 2016**
- **Hart Churches 2016**
- **Hart Licensed Premises 2016**
LOCAL AREA PROFILE

GAMBLING RISK ASSESSMENT

Gambling Act 2016

**Guidance notes**
This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

Please refer to Hart District Council’s Guidance on undertaking Gambling Local Area Risk assessments.

**Risks:** Area of consideration that may impact on one or more of the licensing objectives.

**Local Risks:** These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises.

**Licensing Objectives:** these are the three licensing objectives under the Gambling Act 2005 to which the risk factors have been identified as potentially impacting.

For ease of reference within this assessment the objectives have been given codes that should be used to replace the full objective.

These codes are as follows:

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

FO- Ensuring that gambling is conducted in a fair and open way

CV- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
<table>
<thead>
<tr>
<th>AREA</th>
<th>INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risks</td>
<td>Area of consideration that may impact on one or more of the Licensing Objectives.</td>
</tr>
<tr>
<td>Local Risks</td>
<td>These are identified factors that may pose a risk to the Licensing Objectives by virtue of the provision of gambling facilities at the premises.</td>
</tr>
<tr>
<td>Licensing Objectives</td>
<td>These are the three Licensing Objectives under the Gambling Act 2005 to which the risk factors have been identified as potentially impacting.</td>
</tr>
<tr>
<td></td>
<td>For ease of reference within this assessment the objectives have been given the following codes which should be used to replace the full objective:</td>
</tr>
<tr>
<td></td>
<td>CD – Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.</td>
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<td>FO – Ensuring that gambling is conducted in a fair and open way.</td>
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<tr>
<td></td>
<td>CV – Protecting children and other vulnerable persons from being harmed or exploited by gambling.</td>
</tr>
<tr>
<td>Control Measures</td>
<td>These are measures that the operator can put in place to mitigate the risk to the Licensing Objectives from the risk factors.</td>
</tr>
<tr>
<td></td>
<td>These control measures are split into three categories:</td>
</tr>
<tr>
<td></td>
<td>• Systems (S)</td>
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<td></td>
<td>• Designs (D)</td>
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<tr>
<td></td>
<td>• Physical (P)</td>
</tr>
<tr>
<td>Overall Degree of Risk</td>
<td>These is the outcome of the Risk Assessment which will determine whether or not the premises is:</td>
</tr>
<tr>
<td></td>
<td>• High Risk</td>
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<td>• Medium Risk</td>
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<td>• Low Risk</td>
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**Degree of Risk Key**

<table>
<thead>
<tr>
<th>SEVERITY RATING (S)</th>
<th>LIKELIHOOD RATING (L)</th>
<th>OVERALL DEGREE OF RISK (SxL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 = Most severe</td>
<td>5 = Definitely will occur</td>
<td>HIGH = 16-25</td>
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<tr>
<td>4 = Very severe</td>
<td>4 = Probably could occur</td>
<td>MEDIUM = 8-15</td>
</tr>
<tr>
<td>3 = Quite severe</td>
<td>3 = More than likely to occur</td>
<td>LOW = 1-5</td>
</tr>
<tr>
<td>2 = Some severity</td>
<td>2 = Could occur</td>
<td></td>
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<tr>
<td>1 = Not severe</td>
<td>1 = Unlikely to ever occur</td>
<td></td>
</tr>
</tbody>
</table>
1. Premises Information

Premises Name:

Premises Address:

Premises Licence Number (if applicable):

2. Gambling Information

<table>
<thead>
<tr>
<th>Category of Gambling Premises Licence</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Betting Shop</td>
<td>□</td>
</tr>
<tr>
<td>Adult Gaming Centre</td>
<td>□</td>
</tr>
<tr>
<td>Family Entertainment Venue</td>
<td>□</td>
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<tr>
<td>Premises with Gaming Permit</td>
<td>□</td>
</tr>
<tr>
<td>Premises with Club Machine Permit</td>
<td>□</td>
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<tr>
<td>Premises with Fast Track Club Permit</td>
<td>□</td>
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<tr>
<td>Premises with Fast Track Machine Permit</td>
<td>□</td>
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<tr>
<td>Premises with Notification of more than 2 machines (i.e. Pub)</td>
<td>□</td>
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<tr>
<td>Bingo</td>
<td>□</td>
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<tr>
<td>Track</td>
<td>□</td>
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<tr>
<td>Travelling Fair</td>
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<tr>
<td>Other (please detail)</td>
<td>□</td>
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</tbody>
</table>

3. Assessor Information

Name of Person Completing the Risk Assessment:

Designation:

Date Risk Assessment Carried Out:
<table>
<thead>
<tr>
<th>Number</th>
<th>Local Risk Detail</th>
<th>Severity Rating</th>
<th>Likelihood Rating</th>
<th>Licensing Objective (CD/FO/CV)</th>
<th>Control Measures</th>
<th>Category (S/D/P)</th>
<th>Degree of Risk (Low/Medium/High)</th>
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**ACTIONS REQUIRED FOLLOWING ASSESSMENT**

**LOCAL AREA**

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<tr>
<th>Action</th>
<th>Assigned to</th>
<th>Date Assigned</th>
<th>Date Completed</th>
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**GAMBLING OPERATION**

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**PREMISES DESIGN (INTERNAL & EXTERNAL)**

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**DATE**

| DATE FOR REVIEW |