

Council Offices  
Argyle Road  
Sevenoaks  
Kent  
TN13 1HG



Published: 08.11.21

I hereby summon you to attend the meeting of the Sevenoaks District Council to be held in the **Stag Theatre, London Road, Sevenoaks, TN13 1ZZ** commencing at 7.00 pm on 16 November 2021 to transact the under-mentioned business.

A handwritten signature in black ink, appearing to read "Sharanawal". It is positioned above a thin horizontal line.

Chief Executive

## AGENDA

### Apologies for absence

1. To approve as a correct record the minutes of the meeting of the Council held on 20 July 2021 (Pages 1 - 4)
2. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting.
3. Chairman's Announcements.
4. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.
5. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.
6. Matters considered by the Cabinet and/or Scrutiny Committee:
  - a) Christmas Parking 2021 (Pages 5 - 10)
  - b) Farmstead Drive - Development Proposal (Pages 11 - 28)
  - c) Stangrove Estate (Pages 29 - 48)
  - d) Quercus Housing - Increasing the Delivery of Affordable Housing in the Sevenoaks District (Pages 49 - 66)

7. Matters considered by other standing committees:
  - a) Licensing Gambling Policy (Pages 67 - 274)
8. To consider the following reports from the Chief Executive or other Chief Officers on matters requiring the attention of Council:
  - a) Draft Calendar of Meetings 2022/23 (Pages 275 - 278)
9. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.
10. To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.
11. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting. (Pages 279 - 282)
12. To receive reports from the Chairmen of the Audit and Scrutiny Committees on the work of the Committees since the last Council meeting. (Pages 283 - 286)

#### EXEMPT ITEMS

##### Consideration of Exempt Information

Recommendation: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting when considering Appendix B, of Agenda Item 6(d) above, on the grounds that likely disclosures of exempt information is involved as defined by Schedule 12A, paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

**COUNCIL**

Minutes of the meeting held on 20 July 2021 commencing at 7.00 pm

Present: Cllr. Esler (Chairman)

Cllrs. Ball, Barnett, Bayley, Bonin, Brown, Dr. Canet, Carroll, Cheeseman, Clack, Penny Cole, Perry Cole, Coleman, Collins, Dickins, Dyball, Edwards-Winser, Eyre, Fleming, Fothergill, Griffiths, Grint, Hogarth, Hudson, Kitchener, Layland, London, Maskell, McArthur, McGarvey, McGregor, Morris, Nelson, Osborne-Jackson, Pender, Raikes, Reay, Roy, Thornton and Waterton

Apologies for absence were received from Cllrs. Andrews, Barnes, Clayton, G. Darrington, P. Darrington, Firth, Foster, Harrison, Hunter, Parkin, Pett, Purves and Williamson

13. To approve as a correct record the minutes of the meeting of the Council held on 25 May 2021

Resolved: That the Minutes of the meeting of Annual Council held on 25 May 2021 be approved, and signed as a correct record.

14. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting.

No additional declarations of interest, were received.

15. Chairman's Announcements.

The Chairman announced that she had nearly been in her new role as Chairman of the Council for two months, and had so far, despite restrictions attended 25 events, of which 23 had been in the District alone. So far, she had received more than 90 invitations and planned to attend as many as she could. The Chairman and Michael, had the great pleasure of attending the Bishop of Rochester's retirement service, which had been a wonderful occasion for an amazing man, that was held in Rochester Cathedral. Only 120 dignitaries were invited and it was a great honour for Sevenoaks to be included. She expressed her delight that her diary was very quickly filling up for the coming months ahead as they looked towards getting back to normality with lockdown restrictions lifting.

She further announced that she was delighted to have been able to host her Civic Service on Saturday 17 July; it was very well attended even though restrictions were still in place. She had many more events planned for the rest of her year, and reminded Members of the next three charity events she had planned; a visit to

Coakham Farm, beer tasting at Westerham Brewery and a visit to Eagle Heights with all proceeds supporting the invaluable work carried out by DAVSS.

Along with Cllr Hogarth, the Chairman had judged the entries for 'In Bloom', and had been amazed by the breadth and variety of the gardens brightening up the district and supporting wildlife. There was also lots of positive work around the Council's net zero ambitions to be seen, including solar powered bins that tell us when they were full, cutting down on wasted collection journeys. She also reminded Members that the four weeks of family fun days were about to begin full of free activities for all. There were also free family nature trails over the school holidays to encourage young people to love local wildlife.

16. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.

No questions had been received.

17. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.

No petitions had been received.

18. Matters considered by the Cabinet:

- a) Adoption of Area of Outstanding Natural Beauty (AONB) Management Plans

Councillor Fleming moved and Cllr Thornton seconded the recommendations from Cabinet, which sought approval for the adoption of the Kent Downs and High Weald Area of Outstanding Natural Beauty Management Plans.

Resolved: That the Kent Downs and High Weald Area of Outstanding Natural Beauty Management plans, be adopted.

19. Matters considered by other standing committees:

- a) LGA Model Code of Conduct - Recommendation of Working Group

Cllr Ball moved, and Cllr Raikes seconded the recommendation from the Standards Committee, which sought the retention of the existing Sevenoaks District Council Members' Code of Conduct.

Resolved: That the

- a) work of the LGA on a Model Code of Conduct, be noted; and
- b) existing Sevenoaks District Council Members' Code of Conduct, be endorsed and retained.

b) 2023 Parliamentary Boundary Review

Cllr Eyre moved, and Cllr Nelson seconded the recommendation from the Governance Committee, which sought the approval of a consultation response to the Boundary Commission for England based on the views collated from Members following consultation with the Chairman of Governance Committee.

The Leader spoke to the motion stating that proposals put forward disadvantaged a number areas to the north of the District in terms of moving them out of the Sevenoaks District boundary, whilst then including a part of the Dartford Borough into the Sevenoaks Parliamentary Constituency.

Members discussed the report, and some concerns were expressed that the move would not make sense for the communities which would be affected by the proposals and their needs should be put first in considerations. There was support for Ash, and New Ash Green, and Hartley and Hodsoll Street to be into the same Parliamentary Constituency but for both wards in Sevenoaks, rather than Tonbridge.

Resolved: That the

- a) initial proposals from the Boundary Commission for England Parliamentary boundaries for the Sevenoaks District Council area from 2023, be noted; and
- b) submission of a consultation response to the Boundary Commission for England based on views collated from Members and following consultation with the Chairman of the Governance Committee, be approved.

c) Protocol on Councillor and Officer Relations

Cllr Eyre moved, and Cllr Nelson seconded the recommendation from the Governance Committee, which sought approval for the revised protocol on Councillor and Officer relations and for the Monitoring Officer to be delegated authority to amend the protocol as from time to time may be necessary.

Resolved: That the

- a) Revised protocol on Councillor and Officer relations be approved and adopted; and
- b) Monitoring Officer be delegated authority to amend the Protocol on Councillor and Officer Relations as from time-to-time may become necessary.

d) Contracts Procedure Rules

Cllr Eyre moved, and Cllr Nelson seconded the recommendation from the Governance Committee for the adoption of the revised Contracts Procedure Rules,

## Agenda Item 1

Council - 20 July 2021

and for the Monitoring Officer to be delegated authority to amend the protocol as from time to time may be necessary.

Resolved: That the

- a) revised Contracts Procedure Rules, be approved and adopted; and
- b) Monitoring Officer be delegated authority to amend the Contracts Procedure Rules as from time-to-time may become necessary.

20. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No questions had been received.

21. To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No motions had been received.

22. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period 5 April 2021 to 2 July 2021. The Leader took the opportunity to highlight that he had attended the first in person Corporate Induction since the start of the Coronavirus Pandemic.

23. To receive reports from the Chairmen of the Audit and Scrutiny Committees on the work of the Committees since the last Council meeting.

Members noted the report presented by the Chairman of the Audit Committee, Councillor McGarvey.

THE MEETING WAS CONCLUDED AT 7.23 PM

CHAIRMAN

**Item 6 (a) - Christmas Parking 2021**

The attached report was considered by the Cabinet on 11 November 2021, and the relevant minute extract was therefore not available prior to printing of these papers and will follow when available.

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## CHRISTMAS PARKING 2021

Council - 16 November 2021

**Report of:** Deputy Chief Executive & Chief Officer, Finance & Trading

**Status:** For Decision

**Also considered by:** Cabinet - 11 November 2021

**Key Decision:** No

**Executive Summary:** This report requests that Council consider free concessionary parking on select dates in 2021 for off-street car parks.

**This report supports the Key Aim of:** Building on the District's thriving economy through the regeneration of our market towns, and by enhancing both the visitor and rural communities.

**Portfolio Holder:** Cllr. Margot McArthur

**Contact Officer:** Adrian Rowbotham, Ext. 7153

Trevor Kennett, Ext. 7407

**Recommendation to Cabinet:** That

- a) free parking be provided for two weekends leading up to Christmas, as detailed in paragraph 2 of the report, be agreed; and
- b) subject to recommendation (a) above, it be recommended to Council that the cost in terms of loss of income for free parking be met from the supplementary estimates.

**Recommendation to Council:** That, the Council considers the view of Cabinet, and the cost in terms of loss of income for free parking be met from the supplementary estimates.

**Reason for recommendation:** To help encourage shoppers and other visitors to Sevenoaks and Westerham, in the busy shopping period leading up to Christmas 2021.

## Agenda Item 6a

### Introduction

- 1 In previous years the Council has helped encourage shoppers and visitors to Sevenoaks and Westerham by giving free parking in off-street car parks on two Saturdays in the run up to Christmas.
- 2 Free parking proposed in all Sevenoaks town and Westerham off-street car parks on the two weekends (Saturdays only in Westerham) leading up to Christmas in December 2021 and free parking in Bligh's car park, which is the only charged car park on the two Sundays before Christmas.

Location	Date
Sevenoaks	Saturday & Sunday 11 and 12 December 2021
	Saturday & Sunday 18 and 19 December 2021
Westerham	Saturday 11 December 2021 (Sundays free)
	Saturday 18 December 2021 (Sundays free)

- 3 To help maintain parking turnover in Blighs over the two weekends, the maximum stay reduced from 4 to 3 hours.
- 4 Relaxing off-street parking charges on weekends has no impact on Swanley or at Knockholt Station as charges only apply Monday to Friday.
- 5 Vehicles parking are still required to observe maximum periods of stay in car parks. Regular monitoring will endeavour to ensure compliance with remaining parking restrictions to ensure that space is not monopolised by all-day parking. Weekend free parking in Sevenoaks promoted for shop workers using the Council's offices car park, accessed from Gordon Road.

### Key Implications

#### Financial

Shortfall in parking income of £17,000 to be met from supplementary estimates.

#### Legal Implications and Risk Assessment Statement.

Management of 'overstay' parking is difficult when there is no requirement for a ticket to be displayed or purchased, however enforcement monitoring will take place.

**Equality Assessment**

There is low risk that the proposals in this report would have any implications under the Equality Act 2021.

**Appendices** - None

**Background Papers** - None

**Adrian Rowbotham**  
Deputy Chief Executive & Chief Officer Finance & Trading

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**Item 6 (b) - Farmstead Drive, Spitals Cross, Edenbridge - Development Proposal**

The attached report was considered by the Cabinet on 14 October 2021, and the relevant minute extract is below:

The Cabinet considered the report which sought approval for funding to undertake further feasibility and design work to facilitate the submission of a planning application and to deliver the scheme subject to receiving the necessary statutory consents. The development proposal was for a site located on Farmstead Road, within the Spitals Cross housing estate in Edenbridge. As this was a new capital project that was not accounted for in the Capital Programme 2020/21, and the estimated project budget, Council approval was required.

The estate was built in the 1960s, and as such the community buildings that currently occupied the proposed development site were at the end of their economic life and required substantial refurbishment. There was the opportunity to redevelop and re-provide the community hall and its facilities and to replace the shop with modern premises, to provide new housing, and public open space and parking. The sale of the residential accommodation would provide capital receipts to pay for these improvements.

**Public Sector Equality Duty**

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Council that

- a) the provision of £7,609, 620 in the 2021/22 Capital Programme to deliver the scheme within the financial implications, detailed as (i) to (vi) below, be agreed:
  - i. The scheme be intended to be funded (ultimately) from capital receipts from the sale of residential units in the scheme;
  - ii. A summary of the estimated scheme funding, based on feasibility to date;
  - iii. 23 residential units would be disposed of in the open market and according to the Council's property consultant, which were expected to generate a sales receipt of £8.143m. The affordable housing units were expected to generate £1.172m and would be discounted to reflect development costs and were in line with current market practice for affordable housing;

## Agenda Item 6b

- iv. Until receipts from the sales of the residential units were received, short-term external borrowing be used to fund the scheme. Potential financing costs were detailed within paragraph 18 of the report;
  - v. The new retail unit would be retained by the Council, and let on market terms. The Community Hall be leased to reflect community benefit, but also to ensure future on-going liabilities be recuperated; and
  - vi. Consideration be given to the VAT implications of the project, dependant on the use of some of the elements of the project may require specific VAT treatment and further VAT advice be sought.
- b) subject to approval, of recommendation (a), authority be delegated to the Strategic Head of Property and Commercial and the Chief Officer Finance & Trading, following consultation with the Cabinet Member for Finance & Investments to proceed with the Scheme subject to final scheme viability; and
  - c) subject to approval of recommendation (a), authority be delegated to the Strategic Head of Property and Commercial following consultation with the Chief Officer Finance and Trading and the Head of Legal and Democratic Services to submit a planning application and to enter into any necessary contracts to facilitate the development and construction of the proposed scheme in accordance with the Council's Contracts Procedure Rules and for the disposal of the residential and commercial units.

## FARMSTEAD DRIVE, SPITALS CROSS, EDENBRIDGE - DEVELOPMENT PROPOSAL

Council - 16 November 2021

**Report of:** Strategic Head of Property and Commercial

**Status:** For Decision

**Also considered by:**

- People & Places Advisory Committee -6 October 2021
- Improvement & Innovation Advisory Committee - 7 October 2021
- Cabinet - 14 October 2021

**Key Decision:** No

**Executive Summary:**

The proposed development site is located on Farmstead Road within the Spitals Cross housing estate in Edenbridge. The estate was built in the 1960's, and the proposed development site is occupied by the local community hall (Fircroft Hall), the Londis convenience store and open space. The site is circa 1 acre (0.42 hectares) and the proposal is to re-provide the community hall, a convenience store, public open space and provide 33 residential units (of which 30% will be affordable) and parking.

The community buildings currently occupying the site are at the end of their economic life/require substantial refurbishment. This presents an opportunity to redevelop the Hall and its facilities and to replace the shop with modern premises, and to provide new housing, including affordable homes. The sale of the residential accommodation would provide capital receipts to pay for these improvements.

Several development options have been prepared and high level development appraisals suggest the preferred option is financial viable and feasible from a planning perspective. This report seeks approval to undertake further feasibility and design work to facilitate the submission of a planning application and to deliver the scheme subject to receiving all the necessary statutory consents.

As this is a new capital project that is not yet accounted for in the Capital Programme 2020/21, and given the estimated project budget, Council approval is required.

## Agenda Item 6b

**This report supports the Key Aim of:** improvements to public realm and infrastructure and meeting housing targets, including much needed affordable housing. The provision of new housing, both market and affordable, is a key priority and pressure for the District.

**Portfolio Holder:** Cllr. Peter Fleming

**Contact Officers:** Detlev Munster, Ext. 7099

Adrian Rowbotham, Ext. 7153

**Recommendation to People & Places Advisory Committee and Improvement and Innovation Advisory Committee:**

That the recommendations to Cabinet below are endorsed.

**Recommendation to Cabinet:**

- (a) it be recommended to Council that the provision of £7,609,620 in the 2021/22 Capital Programme to deliver the scheme which is to be funded as noted in the Financial Implications be approved;
- (b) subject to approval of the recommendation (a) by Council, authority be delegated to the Strategic Head of Property and Commercial and the Chief Officer Finance and Trading, in consultation with the Cabinet Member for Finance & Investments to proceed with the scheme subject to final scheme viability; and
- (c) subject to approval of the recommendation (a) by Council, authority be delegated to the Strategic Head of Property and Commercial following consultation with the Chief Officer Finance and Trading and the Head of Legal Services to submit a planning application and to enter into any necessary contracts to facilitate the development and construction of the proposed scheme in accordance with the Council's Contracts Procedure Rules and for the disposal of the residential and commercial units.

**Recommendation to Council:**

That the provision of £7,609,620 in the 2021/22 Capital Programme to deliver the scheme which is to be funded as noted in the Financial Implications be approved.

**Reason for recommendation:** To provide much needed affordable housing in the district particularly in Edenbridge.

## Introduction and Background

- 1 Edenbridge is the main urban settlement in the Western part of the Sevenoaks District. Spitals Cross is located on the east side of the B2026 (Main Road/Station Road), which bisects the town. Farmstead Road is accessed via Fircroft Way which runs through the Fircroft Way industrial estate. The development proposal involves a single site which includes the current community hall (Fircroft Hall), a community shop and playground, together with associated open space.
- 2 Spitals Cross was built in the 1950s/60s by the London County Council and was transferred to the ownership of Sevenoaks District Council in 1980. In 1989, the council housing was transferred to West Kent Housing Association with Sevenoaks District Council retaining the open spaces.
- 3 Spitals Cross' built form is predominantly two storey high residential units. However, to the north of the site, there are two six storey buildings. Accordingly, there is a sharp transition between the six and two storey residential buildings. Proposals under consideration address this imbalance with building heights in between. Larger industrial and commercial buildings lie to the west.
- 4 Community facilities on the site are c.60 years old and are looking tired and dated. The buildings are reaching the end of their economic life and require substantial refurbishment/expenditure. It would be preferable to replace the buildings with modern facilities and to make better use of the site by providing new housing (including affordable), which would not only contribute to meeting local housing need/numbers but also cover the financing of the project.
- 5 The proposed development aims to:
  - re-provide the community hall;
  - meet net-zero commitments resulting in an energy efficient and modern fit-for purpose community hall;
  - re-provide the play area and provide improved amenity space;
  - provide affordable housing;
  - re-provide the convenience store;
  - enhance the urban fabric;
  - provide new parking.

## The Proposed Development Scheme

- 6 Several design options were considered for the site and the preferred option (detailed in appendix A) proposes:
  - 33 residential units with 11 affordable housing units (33%)
  - 11 x 1-bed units (5 affordable)
  - 17 x 2-bed units (4)
  - 5 x 3-bed units (2)

## Agenda Item 6b

- Community Hall, Convenience Store, new Car parking spaces, Playground, trees, Private gardens, Soft landscaping and Hard landscaping
- 7 This option positions the community hall and store on axis to the towers to the north to address and face the undefined green buffer. The orientation allows for the community hall and store to face and dynamically connect multiple pathways and greenspaces. A new playground is provided adjacent to new family dwellings to allow children to access play-space without crossing roads and enabling passive parental and community supervision. While the scheme's layout is noted in appendix A, it may change slightly to reflect additional planning comments and viability issues that may arise from detailed design planning.
- 8 The options appraisal suggests that the preferred option is viable from a planning and financial perspective, but further detailed analysis is required to refine the preferred option.
- 9 Consequently, the next stage will involve the preparation of detailed designs for the site (to RIBA Stage 3) as this level of information is required to not only obtain a planning consent, but also to clarify viability and de-risk the project but to enhance confidence in deliverability.
- 10 The next stage will undergo a further detailed investment appraisal to determine viability, and will only proceed if it meets the scheme's aims and is within the financial parameters set.
- 11 Recognising the importance of the community hall for local residents, arrangements will be made to provide residents with a temporary community hall during the demolition and construction phases.

### Public Consultation

- 12 To is proposed that the local community and interested parties will be consulted as part of the detailed design process with two key stages:
- To outline the proposed option and obtain preliminary feedback to inform further design work;
  - To outline the proposed detailed design and to refine the scheme where appropriate.
- 13 Following the pre-planning consultation, further consultation will take place as part of the statutory planning process.

### Procurement

- 14 Subject to scheme viability and obtaining the necessary statutory consents, it is envisaged that the scheme will need to be publically procured in accordance with the Public Contracts Regulations 2015.

- 15 The scheme will likely be procured using two or possibly a single stage Design & Build procurement route with a selection questionnaire and JCT Design and Build 2016 standard form of contract.
- 16 The demolition of the community buildings may be under a separate contract

### **Delivery Programme**

- 17 The project's indicative delivery programme, assuming planning consent is granted, is outlined in the table below, and is subject to change:

<b>Stage</b>	<b>Date</b>	
Corporate Programme Board	July 2021	Completed.
People & Places Advisory Committee	5 <sup>th</sup> October 2021	
Improvement & Innovation Advisory Committee	7 <sup>th</sup> October 2021	
Cabinet	14 <sup>th</sup> October 2021	
Full Council	17 <sup>th</sup> November	
Planning Submission	April 2022	
Contractor Specification and ITT issued	May 2022	
Planning Determination	August 2022	
Contractor Appointment/award	October 2022	
Start on site	January 2023	
Practical completion	April 2024	

### **Project Costs and Funding**

- 18 An external cost consultant (Playle & Partners) was appointed to advise on the scheme's costs. The total estimated development cost is expected to be circa £6.3m and the total project cost is £7,609,620. The table below provides a high-level outline of the projects costs.

<b>Elemental Items</b>	<b>Amount</b>
Total Building works including demolitions, abnormals, preliminaries	£4,753,000
Project/Design Team fees	£628,000
Risk & Inflation Allowance	To £1,420,000
Legal & Marketing Fees	£218,044
Financing Fees	£187,942
CIL/S.106	£302,634
Other costs	£100,000

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Total	£7,609,620
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- 19 An external property consultant (Pathfinder Development Consultants) was commissioned to determine the scheme's viability and advise on residential sales. Pathfinder DC suggests that the scheme has a GDV of c. £9.315m which yields a residual land value of c. £658k. This land value correlates well with Strutt & Parker's suggested benchmark land value of circa £787k bearing in mind the need to replace the community uses on the site. The scheme delivers 30% affordable housing and the financial model assumes a profit margin of 6% on the affordable housing and a profit margin of 12% on market sales. Profit is estimated at c. £1.05m. It is also important to note that the Risk and Inflation allowance includes a robust contingency of £1.42m.
- 20 The capital requirement to cover construction and other development costs is to be funded from external borrowing before capital receipts from the sale of houses to recoup development funding.

### Project Governance

- 21 A Project Team has been set up within the Council and is being supported by external consultants. In particular, the Council has appointed a specialist cost consultancy firm to act as Employers Agent and QS.
- 22 The Project Team will be adapting PRINCE2 methodologies to manage the project.
- 23 The Project Team will be reporting to the Corporate Programme Board (CPB), which will have oversight of the project. Monitoring reports (including highlight reports/exception reports, budget monitors and the risk register) will be submitted monthly to the CPB. The CPB consists of senior officers within the Council and is chaired by the Chief Executive.

### Other Options Considered

- 24 Do nothing. This option requires the Council to undertake significant refurbishment works to the community hall. A condition Survey was undertaken to establish the nature of the works required and these are estimated at between £40k and £50k. However, this will not result in significant improvements to the building and further works would need to be undertaken to improve the environmental performance of the building and meet the Council's net-zero carbon aspirations. Additionally, landlord improvements would need to be undertaken to the retail unit and these have not been costed. The nature of the TRA's tenancy will mean that if refurbishment works are undertaken, these costs will not be recuperated and hence cannot be funded. The do nothing option also does not release land for much needed affordable housing. Most notably, the District's Strategic Housing Assessment (2017) suggests that this part of the District requires 78 homes a year. A better result will be achieved by

replacing the buildings with modern facilities, to provide some modern housing and to improve the landscaping.

- 25 Alternative design options were considered by our external consultant (LSI Architects) and the preferred option is considered to sit sensitively with the existing estates built context and preliminary views of the Planning Authority were obtained. Additionally, cost plans and feasibility assessments were prepared for the respective options, and the preferred option is considered to optimise site benefits and financial returns for the Council together with 30% affordable housing.
- 26 An alternative option would be to dispose of the site with planning permission. This option has been ruled out as affordable housing together with the re-provision of a community hall, convenience store and environmental improvements would not materialise as a private developer would seek to maximise profits. SDC is able to assess/consider community value not just financial viability.

### **Risk Assessment**

- 27 A table outlining the key risks relating to this project are outlined in Appendix B.

### **Financial Implications**

- 28 The scheme is intended to be funded (ultimately) from capital receipts from the sale of residential units in the scheme.
- 29 The Table below provides a summary of estimated scheme funding, based on feasibility work to date.

Scheme Funding (Est.)	2021/22	2022/23	2023/24	2024/25	Total
	£	£	£	£	£
Expenditure	706,914	2,169,623	4,349,432	383,651	7,609,620
<b>Funding:</b>					
External borrowing	(706,914)	(2,169,623)	(4,349,432)	(383,651)	(7,609,620)
Capital Receipts from sale of residential units				9,315,000	9,315,000
<b>Net scheme (surplus)/cost</b>					1,705,380

- 30 23 residential units will be disposed of in the open market and according to the Council's property consultant, they are expected to generate a sales receipt of £8.143m. The Affordable housing units are expected to generate

## Agenda Item 6b

£1.172m and are discounted to reflect development cost and are in line with current market practice for affordable housing.

- 31 Until the receipts from the sales of the residential units are received, short-term external borrowing will be used to fund the scheme. The potential financing costs are shown within the table in section 18.
- 32 The new retail unit will be retained by the Council and will be let on market terms. The Community Hall will be leased to reflect community benefit, but also to ensure future on-going liabilities are recuperated.
- 33 Consideration will need to be given to the VAT implications of the project. Dependant on the use of some of the elements of the project it may require specific VAT treatment. Further VAT advice will be sought.

### Legal Implications

- 34 The Council has freehold title of the site.
- 35 The land is currently occupied by a commercial tenant in the retail premises and a Resident's Association at the community hall. These would each need to be terminated in accordance with the respective procedures prior to any redevelopment. New leases will need to be entered into prior to occupation within the new development.
- 36 The residential units are to be disposed of with 125 year leases on the open market and affordable units sold to a registered provider. As a result, the Council will need to establish a management company to hold the freehold and to manage the communal areas. The scheme will need to be registered with Homes England to qualify for "Help to Buy" which will be essential in this location. Changes to "Help to Buy" mean that it only applies to first time buyers and is due to expire completely in 2023, this may have implications for sales/timing of sales.
- 37 The Council will need to apply for planning consent and obtain all other necessary statutory approvals (e.g. building control approval) and these are known to the Project Team.
- 38 Due diligence assessments have identified that it would be suitable to appropriate the site for Planning purposes including to ensure proper planning. The Council is authorised to appropriate land that it owns under Section 122 of the Local Government Act where no longer required for the purpose for which it was previously held. The Council may not appropriate any land which consists of open space land unless it has published its intention in a local newspaper for at least two consecutive weeks and given due consideration to any responses received. It is intended that, if the development is approved, an appropriation would take place at a later stage.

- 39 The procurement of a design and build contractor, will need to be procured in accordance with the Public Contract Regulations 2015 thresholds, and will need to comply with the Council's Contract Procedure Rules. Legal advice will need to be sought in ensuring the final form of contract is appropriate and provides the Council with the necessary contractual safeguards.
- 40 There are no State Aid implications associated with the proposed scheme.

### **Equality Assessment**

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. A positive impact on end users is, however, anticipated. In particular, it is worth noting that appropriate “equalities requirements” will be specified in the various contracts to be entered into for the demolition and construction of the scheme. In addition, the scheme is designed to promote an inclusive environment.

### **Sustainability**

A sustainability checklist has been completed and a positive impact is anticipated. Please elaborate on net carbon design etc. and also densifying existing settlements.

### **Conclusion**

This dynamic scheme provides new community buildings and homes (including affordable homes) at Spitals Cross which has not seen investment since its inception 60 years ago. It presents a unique regeneration opportunity for Edenbridge that will set a new design and sustainability benchmark for future growth.

### **Appendices**

- Appendix A - Appraisal Plans and Layouts
- Appendix B - Cost plan and appraisal
- Appendix C - Outline Risk Assessment

### **Background Papers**

- LSI (June 2021): Farmstead Drive Options Appraisal

The following background documents are exempt from publication. The applicable reason for this redaction is paragraph 3 of Schedule 12A of the Local Government Act 1972: Information relating to the financial or business affairs of any particular person (including the authority holding that information). This is because it could prejudice the returns of a commercial tender that the Council will be undertaking and provides commercially sensitive information.

## **Agenda Item 6b**

- Playle & Partners (July 2021): Farmstead Drive Options and Feasibility Study Cost Plan
- Pathfinders Development Consultant (July 2021): Farmstead Drive Viability Appraisal
- SDC Legal Services (Mat 2021): Report on Title.

**Detlev Munster, Strategic Head of Property & Commercial**

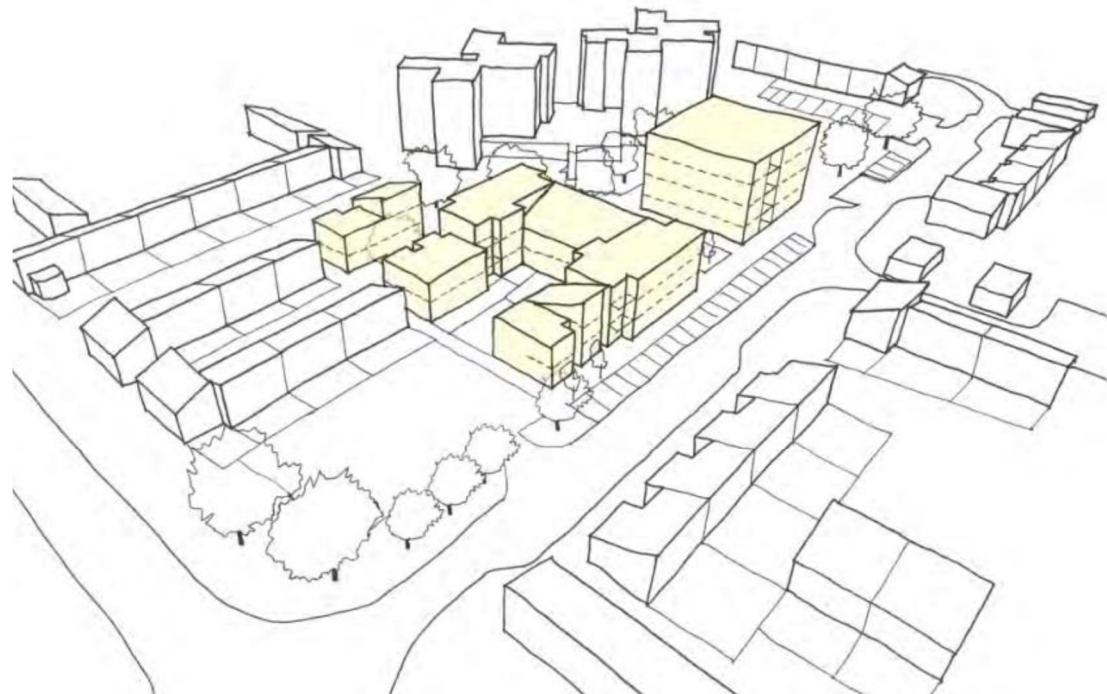
**Appendix A: Appraisal Plans and Layouts**

No. OF UNITS TOTAL: 30  
DENSITY ACROSS SITE A & B: 67 UNITS/ Ha.

Site A - West Kent Housing association  
Site B - Sevenoaks District Council  
Affordable Housing



INDICATIVE MASSING



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**APPENDIX B –Abridged Development Appraisal**

<b>Project Budget</b>		
<b>Elemental Items</b>		<b>Amount</b>
<b>Works</b>		
Building, Demolition and site works	4,100,000	
Contractors Prelims	492,000	
Contractors Overhead & Profit	161,000	
		<u>4,753,000</u>
<b>Project Design Fees</b>		
Consultants	380,000	
Main contractor designs	190,000	
Planning Allowance	21,000	
Building Control Allowance	12,000	
Site Investigation	25,000	
Client fees (PM, Comms, Other)	100,000	
		<u>728,000</u>
<b>Risk and Inflation Allowances</b>		
Design development	215,000	
Construction risk	215,000	
Contingencies	500,000	
Inflation	490,000	
		<u>1,420,000</u>
<b>Legal and Marketing</b>		
Marketing & Sales Costs (£500 legals per property	5,500	
Marketing & Sales Costs (£900 legals plus 2% GDV)	183,557	
Site Acquisition Costs (SDLT, Agents Fees & Legal	28,988	
		<u>218,044</u>
<b>Finance Cost and Fees (6.5%)</b>	187,942	
		<u>187,942</u>
<b>CIL</b>	302,634	
		<u>302,634</u>
<b>Profit and Overhead</b>		
Overheads & Profit (say 6% on GDV for affordable	70,355	
Overheads & Profit (say 12% on GDV for private units)	977,139	
		<u>1,047,494</u>
<b>TOTAL COST</b>		<u><b>8,657,114</b></u>

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## Appendix C - Outline Risk Assessment

The table below summarises the projects risk register and outlines the key project risks considered relevant for this report.

TYPE	DESCRIPTION	MITIGATION
Finance	Capital receipts from the sale of the residential units are not achieved.	Residential units are appropriately designed and to be finished for the target market. Intention is to also commence marketing of units as soon as possible to receive achieve off-plan sales. This will allow us to gauge and track market interest. In unlikely event that sales are not achieved, Council will consider issuing AST (place on market for rent) through an appropriate vehicle and delay capital receipts.
Finance	Change in interest rates resulting in a higher cost of capital	Interest rates are at an all-time low and market swap rates suggest that favourable terms can still be locked in.
Finance	Correct VAT treatment for this complicated scheme may increase costs.	Expert VAT advice being sought to assess and minimise any financial impact.
Planning	Planning consent not obtained.	Pre-planning discussions will take place with the planning and highways authority and advice incorporated in the scheme.
Developer	SDC acting as developer is exposed to more risk than in previous capital projects where it has transferred risk by procurement via frameworks and developers.	Ensure adequate resourcing, programming, contingencies and robust project management in place.
Economic/Health	Impact of Covid-19 pandemic, (tender pricing, risk pricing, programme fixing, contractual amendments, availability of labour, availability of materials, onerous sub-contractor conditions), causes additional cost and/or delay to the programme.	Include Covid19 question in PQQ. Provide detailed tender information to assist on risk assessment and mitigation. Close monitoring of Covid-19 as the situation develops.  Contingency and inflation allowance provided.

## Agenda Item 6b

Construction	Capital costs exceed budget due to factors including: construction market tender disinterest, tender risk cover pricing, tender period over Christmas, covid-19 costs.	Works tendered on RIBA stage 4 information gives tenderers confidence the design is thorough and coordinated.  Realistic client contingencies in place for unforeseen. Robust change control process in place. Contract includes administration by Employers Agent.
Construction	Delays in scheme approval lead to increased costs due to construction inflation.	Robust information submitted to allow SDC Committees/Cabinet/Council to make timely decisions. Project Contract sum based on programme.
Construction	Problems during ground works (contamination/obstructions/oil type) exceed allowances based on RIBA stage 3 surveys, cause delay and extra costs.	Detailed ground investigation surveys will be undertaken prior to a contractor being appointed. Realistic contractor and client contingencies in place for unforeseens.
Public opposition	Residents oppose the scheme and prove awkward during construction	Officers have commenced the consultation process with a presentation to the Town Council. The Council will take concerns into account and adjust its scheme where appropriate.  Should the scheme proceed, appropriate arrangements will be put in place to ensure residents are informed about the construction programme to ensure minimal temporary disruption to residents.

### Item 6 (c) - Stangrove Estate Regeneration Project

The attached report was considered by the Cabinet on 14 October 2021, and the relevant minute extract is below:

The Cabinet considered the report which sought Council's approval for a new capital project to proceed and for provision to be made within the Capital Programme for 13 new homes, a retail unit together with parking and landscape improvements within the Stangrove Estate in Edenbridge.

The Stangrove estate had several parcels of land which were poorly used, and by development of the sites, the Council would contribute to its housing targets, and also significantly improve the Estate's public realm by providing additional car parking spaces and landscaping improvements to the open spaces. A new community shop would also be provided in response to the local communities wishes. Design and feasibility work, alongside other due diligence studies had been undertaken and a planning application for the development was submitted in August 2021. Subject to planning consent being obtained and funding being finalised it was envisaged that the new scheme would be delivered by Summer 2023.

#### Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Council that

- a) the capital funding of the scheme of £4,312,743 be agreed;
- b) that the scheme would only progress subject to the funding gap being eliminated and planning permission being obtained, be noted;
- c) subject to approval of the recommendation (a) the development scheme for 7 sites within Stangrove Park, Edenbridge to provide 7 off-street, communal car parks, a new community shop, improvements to landscaping and 13 residential units at an estimated total project cost of £4,312,743, as set out at paragraph 15, be agreed; and
- d) subject to approval of recommendation (a), the Strategic Head of Property and Commercial, following consultation with the Head of Legal and Democratic Services and the Chief Officer Finance & Trading, be delegated authority to enter into necessary contracts for the funding of the scheme and the disposal of the residential and commercial units.

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## STANGROVE ESTATE REGENERATION PROJECT

Council - 16 November 2021

**Report of:** Strategic Head of Property and Commercial

**Status:** For Decision

**Also considered by:**

- Improvement & Innovation Advisory Committee - 6 October 2021
- People & Places Advisory Committee - 7 October 2021
- Cabinet - 14 October 2021

**Key Decision:** No

**Executive Summary:** The Council has identified the opportunity to deliver 13 new homes within the Stangrove Estate in Edenbridge. According to the 2016 Household Survey this part of the district has a requirement of 78 new homes per year. The Stangrove estate has several parcels of land which are poorly used, and by developing these sites, the Council will not only contribute to its housing targets, but will also significantly improve the Estate's public realm by providing additional car parking spaces and landscaping improvements to the public open spaces. A new community shop will also be provided in response to the local community's wishes.

Design and feasibility work and other due diligence studies have been undertaken and a planning application for the development was submitted in August 2021. Subject to planning consent being obtained and funding being finalised, it is envisaged that the new scheme will be delivered by Summer 2023. This report seeks Council approval for this new capital project to proceed and for provision to be made within the Capital Programme.

**This report supports the Key Aim of:** improvements to public realm and infrastructure and meeting housing targets, including much needed affordable housing. The provision of new housing, both market and affordable, is a key priority and pressure for the District.

**Portfolio Holder:** Cllr. Peter Fleming

**Contact Officers:** Detlev Munster, Ext. 7099; Adrian Rowbotham, Ext. 7153

**Recommendation to People & Places Advisory Committee and Improvement and Innovation Advisory Committee:**

That the recommendations to Cabinet below are endorsed.

**Recommendation to Cabinet:**

That

- (a) it be recommended to Council that the capital funding of the scheme as outlined at paragraph 15 (Project Costs & Funding) be agreed and it be noted that the scheme will only progress subject to the funding gap being eliminated and planning permission being obtained;
- (b) it be recommended to Council that, subject to approval of the approval of the recommendation (a), the development scheme for 7 sites within Stangrove Park, Edenbridge to provide 7 off-street, communal car parks, a new community shop, improvements to landscaping and 13 residential units at an estimated total project cost of £4,312,743, as set out in Table 1 be agreed; and
- (c) subject to approval of the approval of the recommendation (a) by Council, authority be delegated to the Strategic Head of Property and Commercial, following consultation with the Head of Legal Services and the Chief Officer Finance and Trading, to enter into necessary contracts for the funding of the scheme and the disposal of the residential and commercial units.

**Recommendation to Council that:**

- a) the capital funding of the scheme as outlined at paragraph 15 (Project Costs & Funding) be agreed and it be noted that the scheme will only progress subject to the funding gap being eliminated.
- b) the development scheme for 7 sites within Stangrove Park, Edenbridge to provide 7 off-street, communal car parks, a new community shop, improvements to landscaping and 13 residential units at an estimated total project cost of £4,312,743, as set out in Table 1 be agreed.

**Reason for recommendation:** To progress the scheme providing new infrastructure, public space improvements and new dwellings in Edenbridge.

## Introduction and Background

1. Edenbridge is the main urban settlement in the Western part of the Sevenoaks District. The Stangrove Estate is located on the West side of Edenbridge to the south of the railway line. It is accessed via Crouch House Road. Stanbridge Road and Pine Grove lead into the estate to Cedar Drive, Park View Close and Park Avenue. The estate is characterised by blocks of predominantly two storey terraced houses, which are interspersed with grassed open spaces.
2. The Stangrove Estate was built in the 1960's by the London County Council and was transferred to the ownership of Sevenoaks District Council in 1980. In 1989, the Council's housing stock was transferred to West Kent Housing Association with Sevenoaks District Council retaining the majority of the open spaces.
3. The estate has changed very little since inception when houses were built without dedicated parking spaces, at a time when car use was less prevalent. Cars are parked on estate roads giving an overall impression of congestion and residents and visitors have encroached onto open spaces to park their vehicles. This has significantly resulted in the deterioration of open spaces and reduced open spaces for resident enjoyment and impacted negatively on the area's biodiversity.
4. The development proposal involves six open spaces and the site of the estate's convenience store. Three of the seven sites are being developed for housing, and the remainder will have public realm improvements.
5. The lease for the existing convenience store expired in 01 November 2015 and the tenant has been holding over. New terms are currently being negotiated and consideration is being given to the provision of temporary store facilities while the existing store is being demolished and the new store is constructed.
6. Public consultation was undertaken in January 2018 with local residents and key stakeholders. In addition, the local town council was consulted and the Council's Community Consultation Officer at the time, liaised with local residents. Further discussions were held with the Chair of the Local Residents association in 2020.
7. Local residents expressed concern with the development of additional housing citing limited parking, increased traffic and loss of open space. Other issues raised included the need to re-provide a local convenience store, and potential overlooking and loss of privacy. Resident concerns were taken into account and designs were amended accordingly, including the reduction in the number of residential units, the provision of surplus parking and improvements to the open spaces.

## Update on Progress of the Development Scheme

## Agenda Item 6c

8. The proposed scheme is designed to RIBA stage 3 and submitted to planning control in August (see Appendix A). The scheme comprises:
  - 7 community car parks, to provide 79 car parking bays (a further 23 private bays to be provided with the new dwellings).
  - A mixed use property with a total floor area of 183m<sup>2</sup>. Comprising community shop at ground floor (83m<sup>2</sup>) and 2 x 1 bed flats at first floor level. Green areas around the shop will be improved and cycle racks introduced. Separate access and outside amenity space to be provided for the flats, with separate servicing for the new shop.
  - 11 x 2/3 bed houses and associated landscape improvements on 2 sites (Park View Close and Cedar Drive). Park View close houses to be arranged as two terraces of 3 houses and at Cedar Drive three pairs of semi-detached houses.
9. The scheme is designed to national space standards, and the unit typologies reflect local need as per the Council's Strategic Housing Needs Study (2017).
10. It is proposed that the Council will retain the freehold of the car parking sites and the shop and the houses will be sold on the open market to generate capital receipts to cover the construction costs of the entire scheme. Some gap funding is likely to be necessary given the extent of the enabling infrastructure to be delivered at no charge.

### Procurement

11. The project quantity surveyor will report to officers on the options for procurement. Programme may need to be accelerated to meet Government funding timetables. A single stage Design & Build procurement route with a pre-qualification questionnaire may be the most favourable route. The JCT Design and Build 2016 standard form of contract is likely to be proposed. As the estimated construction works contract value is below the Public Contracts Regulations 2015 threshold, it will not fall within the requirements of PCR2015 tendering procedures. However, a competitive tendering exercise will be undertaken in accordance with the Council's Standing Orders.
12. Given the size of the contract the Council wishes to engage with local SME firms and will seek to engage with local market suppliers and advertise the opportunity accordingly.
13. The demolition of the shop may be under a separate contract with temporary shop provided, subject to detailed design and third party advice on procurement.

### Delivery Programme

14. The project's indicative delivery programme assuming planning is granted is outlined in the table below, and is subject to change:

Stage	Date	
Corporate Programme Board	July 2021	Completed.
Planning Application	August 2021	Submitted.
Submit business case to Homes England	September 2021	
People & Places Advisory Committee	5 <sup>th</sup> October 2021	
Improvement & Innovation Advisory Committee	7 <sup>th</sup> October 2021	
Cabinet	14 <sup>th</sup> October 2021	
Full Council	17 <sup>th</sup> November	
Planning Committee	November 2021	
Contractor Specification and procurement	November 2021	
Contractor Appointment/award	January 2022	
Start on site	March 2022	
House Sales/development completed	Summer 2023	

Project Costs and Funding

15. External consultants were commissioned to advise on the scheme's cost plan, deliverability and market value. The table below provides a high-level outline of the projects costs.

Cost Element	Amount
Construction & demolition	£3,442,414
Professional & other fees	£454,450
CIL Fee	£103,875
Legal & financing fees	£95,000
Client contingency & inflation allowance	£217,004
<b>Total</b>	<b>£4,312,743</b>

16. The scheme has an estimated GDV of £4.09m which will be realised through the sale of the residential units. Our appraisals suggest that the project is not viable in market terms due to a deficit of circa £300k. The deficit is caused by the cost of infrastructure improvements and enabling works which are a net cost to the scheme. These costs cannot be eliminated as the enabling works are essential and it is believed that without these enabling works a planning consent is highly unlikely.
17. Grant funding is therefore required to ensure the scheme breaks even and discussions are ongoing with Homes England and MHCLG.
18. The majority of the capital requirement (c£4.1m) is to be funded from a mix of internal sources before capital receipts from the sale of houses are realised to recoup construction funding.

Project Governance

## Agenda Item 6c

19. A Project Team has been set up within the Council and is being supported by external consultants. In particular, the Council has appointed a specialist cost consultancy firm to act as Employers Agent and QS.
20. The Project Team will be adapting PRINCE2 methodologies to manage the project.
21. The Project Team will be reporting to the Corporate Programme Board (CPB), which will have oversight of the project. Monitoring reports (including highlight reports/exception reports, budget monitors and the risk register) will be submitted monthly to the CPB. The CPB consists of senior officers within the Council and is chaired by the Chief Executive.

### Key Implications

#### Other Options Considered and Rejected

22. Do nothing. The Council will not be able to contribute to the delivery of much needed affordable housing in the district and local area. There is a need for more housing in the district generally and at a lower price point compared to Sevenoaks Town, where prices are high not just locally but nationally. Additionally, there are too many cars parked on the Estate's roads with unapproved informal parking on open spaces. This has led to a deterioration of amenity, loss of biodiversity and play space, and an increase in maintenance costs and liabilities. Current congestion on the roads is also compromising access for service and emergency vehicles. Provision of formal parking which is spread throughout the estate, whilst retaining open spaces between the houses is long overdue. The shop is at the end of its economic life and needs to be replaced with a modern facility with a shopfront.
23. An alternative option would be to dispose of the site with planning permission. This option has been ruled out as the planning permission is only implementable with grant and the infrastructure improvements are only likely to be provided by the public sector able to assess/consider community value.
24. Consideration was given to increasing housing densities to increase value and reduce the deficit. Residents expressed resistance to any more additional housing units and discussions with the Planning Authority and the Highways Authority suggested that this would probably not be supported. Our assessments also suggested that an increase in density would also negate any net benefits created through the additional parking spaces created and would lead to further congestion in the area. It would also result in other planning issues, such as overlooking and reduction in open space, which were not considered acceptable.

Financial Implications

25. The scheme is intended to be funded from reserves/debt to be repaid by a combination of capital receipts from the sale of residential units in the scheme and grant.
26. The Table below provides a summary of the scheme funding.

Scheme Funding				
	2021/22 £000	2022/23 £000	2023/24 £000	Total £000
Revenue (sale of houses)			3,590	3,590
Retained Assets (shop & 2 x flats)			420	420
Total Revenue/Assets				4,010
Expenditure	(300)	(3,700)	(312)	(4,312)
Funded by:				
OPE Grant/Homes England	300			300
External borrowing		3,700	312	4,012
Total Funding				4,312

27. The 11 residential units will be disposed of in the open market and according to local estate agents, they are estimated to generate a sales receipt of £4,010,000 based on 2020 values. House prices may well be higher when the homes reach the market in 2023. To reduce the project's cash-flow impact on the Council, off-plan sales will be sought.
28. The shop unit will be retained by SDC under a long lease and the two residential units above will be disposed of to Quercus Housing, the Council's Housing Company. This will allow the Council to indirectly create and retain two much needed affordable housing units.
29. The funding for this scheme will need to come from external borrowing as cash projections show that there will not be sufficient resource available to fund this internally. The external borrowing will be repaid using the capital receipts from the sale of the houses and therefore short-term borrowing is the cheapest option available. Based on the current borrowing rates (21/09/21) the total cost of borrowing would be £24,000 over 2 years.
30. Gap funding has been applied for and discussions are on-going with Homes England and the One Public Estate Programme.

Legal Implications and Risk Assessment Statement

## Agenda Item 6c

31. The Council has freehold title of the sites. Appropriate arrangements for the convenience store tenant will need to be made and notices will need to be issued.
32. A planning application has been submitted (21/02825/FUL). The Council will need to obtain further statutory approvals (e.g. building control approval) and these are known to the Project Team. The Council will also need to apply for a footpath diversion, and an application is currently being made.
33. The procurement of a design and build contractor, while below the Public Contract Regulations 2015 thresholds, will need to comply with the Council's Contract Procedure Rules. Legal advice will need to be sought in ensuring the final form of contract is appropriate and provides the Council with the necessary contractual safeguards.
34. The Council will need to comply with the conditions associated with any grants received. The Council is aware of the generality of HE and OPE grant conditions.
35. There are no State Aid implications associated with the proposed scheme.
36. Due diligence assessments have identified that it would be suitable to appropriate the site for Planning purposes including to ensure proper planning. The Council is authorised to appropriate land that it owns under Section 122 of the Local Government Act where no longer required for the purpose for which it was previously held. The Council may not appropriate any land which consists of open space land unless it has published its intention in a local newspaper for at least two consecutive weeks and given due consideration to any responses received. It is intended that, if the development is approved, an appropriation would take place at a later stage.

### Risk Assessment

37. A table outlining the key risks relating to this project are outlined in Appendix B.

### **Equality Assessment**

38. The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. A positive impact on end users is, however, anticipated. In particular, it is worth noting that appropriate "equalities requirements" will be specified in the various contracts to be entered into for the demolition and construction of the scheme. In addition, the scheme is designed to promote an inclusive environment, especially for users of the shop, formal car parks and landscaped areas.

## Sustainability

39. A sustainability checklist will be completed and a positive impact is anticipated. It is worth noting that the proposed landscaping plans will have a positive impact on biodiversity and by providing formal parking areas, amenity space can be safeguarded.

## Conclusion

40. The project will result in the optimisation of Council land for much needed affordable housing and environmental improvements. Stangrove Park has seen very little investment since its inception 60-70 years ago. This scheme brings substantial improvements in the form of communal parking areas within existing green areas, improvements to landscaping, a new community shop and new housing.

## Appendices

Appendix A - Plans and Visuals  
Appendix B - Outline Risk Assessment

## Background Papers

- [Cabinet Report 3 December 2015](#)
- Cabinet Report 06 August 2020
- Project Sustainability Checklist
- [Sevenoaks District Council \(2019\): Emerging Local Plan](#) (as submitted with evidence base to Planning Inspectorate)
- [Planning Permission 19/03543/FUL](#)

The following background documents are exempt from publication. The applicable reason for this redaction is paragraph 3 of Schedule 12A of the Local Government Act 1972: Information relating to the financial or business affairs of any particular person (including the authority holding that information). This is because it could prejudice the returns of a commercial tender that the Council will be undertaking and provides commercially sensitive information.

- Savills (August 2021): Viability Assessment
- Development Appraisal July 2021
- Greenwood Projects (2021): Cost Plan May 2021
- Greenwood Projects (2021): Cost Plan July 2021
- Project Risk Register

**Detlev Munster**

**Strategic Head of Property & Commercial**

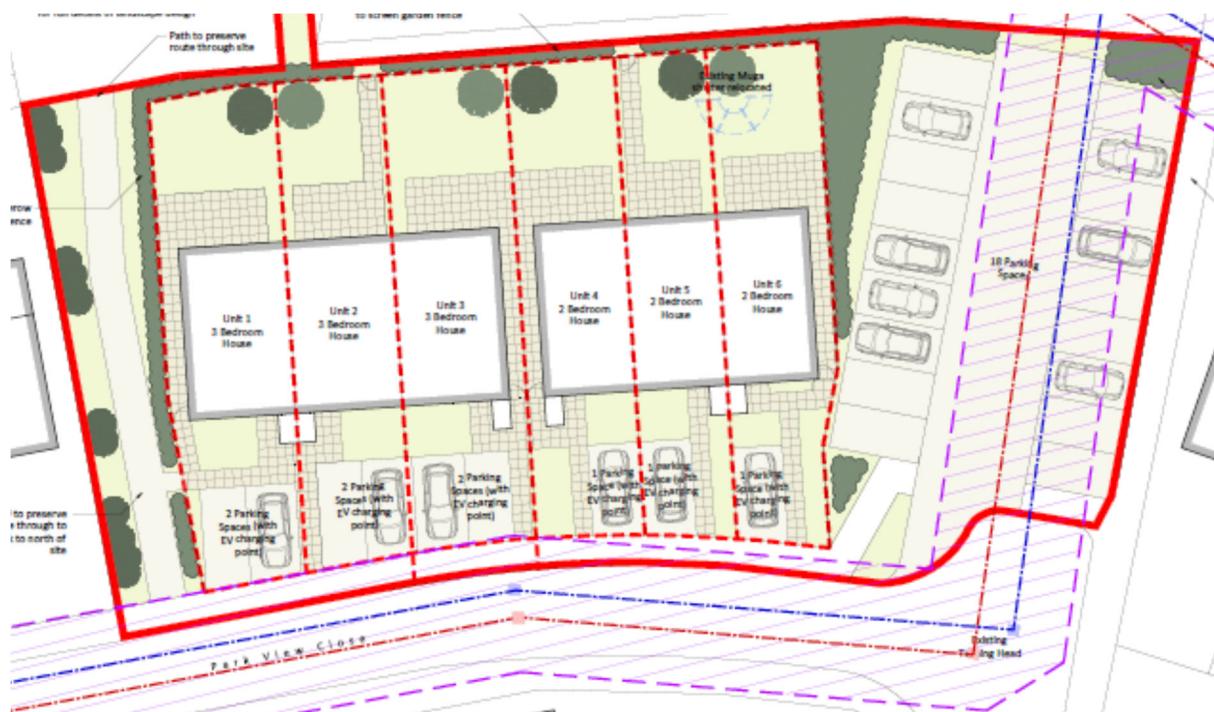
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## Appendix A - Proposed Plans and Visuals

7 Sites – 2 x housing sites with communal car parks, 4 communal car parks and a new community shop with two flats at first floor and car parking.



### Residential & Parking Proposal (Site 6)

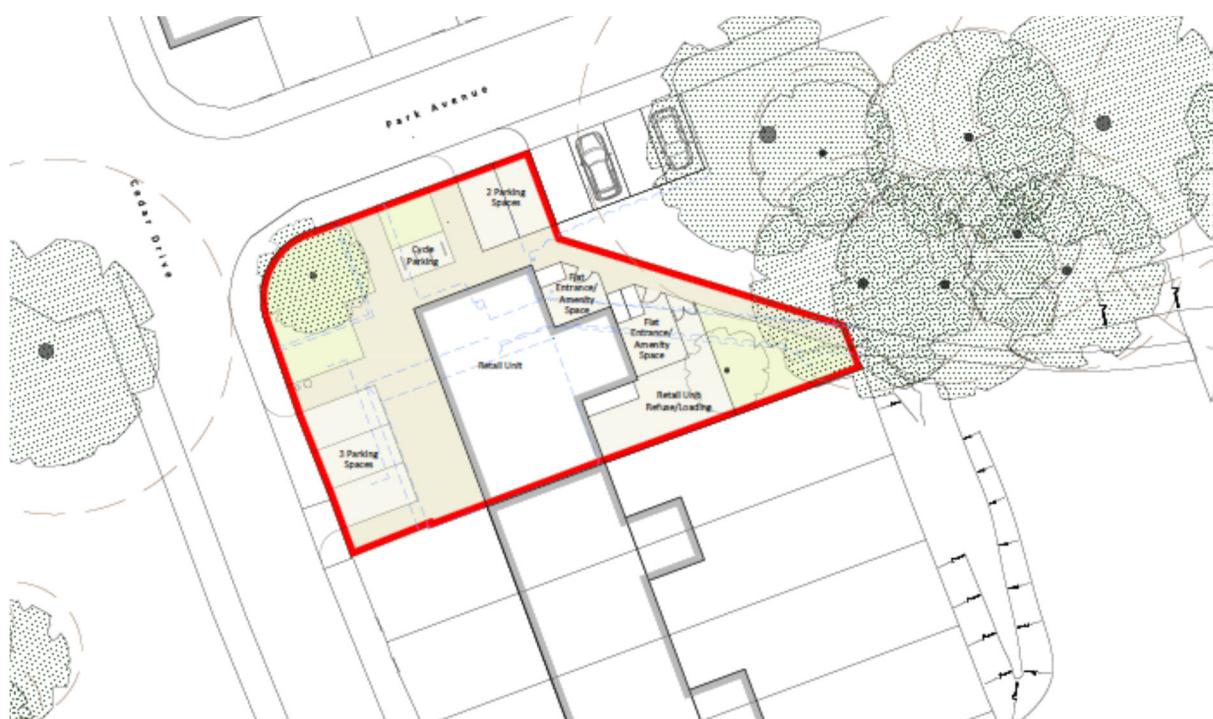


## Agenda Item 6c

### Site 10 - Cedar Drive



Community shop & new parking



## Typical Parking Area



## Landscape Masterplan



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## Appendix B - Outline Risk Assessment

The table below summarises the projects risk register and outlines the key project risks considered relevant for this report.

TYPE	DESCRIPTION	MITIGATION
Finance	Grant funding is not approved.	Early engagement with MHCLG/OPE and Homes England. Decision expected in November 2021. If grant funding is not available, Council may need to consider using Council capital to provide a further subsidy to the scheme or seek S106 and CIL contributions.
Finance	Capital receipts from the sale of the residential units are not achieved.	<p>Residential units are appropriately designed and to be finished for the target market. Intention is to also commence marketing of units as soon as possible to receive achieve off-plan sales. This will allow us to gauge and track market interest. In unlikely event that sales are not achieved, Council will consider issuing AST (place on market for rent) through an appropriate vehicle and delay capital receipts.</p> <p>Estimated capital receipts have also been baselined to 2020 prices. Hence the development appraisal has not indexed capital receipts which market data suggest is in excess of 5% p.a.</p>
Finance	Change in interest rates resulting in a higher cost of capital	Interest rates are at an all-time low and market swap rates suggest that favourable terms can still be locked in.
Planning	Planning consent not obtained.	Pre-planning discussions have taken place with the planning and highways authority. Advice obtained has been incorporated in the scheme. A planning application was submitted in December 2020, and following the response from certain statutory consultees, it was decided to withdraw the application and resubmit a fresh application. This has allowed the Council to comprehensively address concerns and provide additional evidence. The refreshed planning application has significantly de-risked the submission.

## Agenda Item 6c

Developer	SDC acting as developer is exposed to development risk than in previous capital projects where it has transferred risk by procurement via frameworks and developers.	Ensure adequate resourcing, programming, contingencies and robust project management in place.
Economic/Health	Impact of Covid-19 pandemic, (tender pricing, risk pricing, programme fixing, contractual amendments, availability of labour, availability of materials, onerous sub-contractor conditions), causes additional cost and/or delay to the programme.	Include Covid19 question in PQQ. Provide detailed tender information to assist on risk assessment and mitigation. Close monitoring of Covid-19 as the situation develops.  Contingency and inflation allowance provided.
Construction	Capital costs exceed budget due to factors including: construction market tender disinterest, tender risk cover pricing, tender period over Christmas, covid-19 costs.	Given the accelerated procurement programme, a single stage design and build procurement route offers the best balance between cost certainty, programme certainty and quality.  Works will be tendered on a firm price basis.  Realistic client contingencies in place for unforeseen. Robust change control process in place. Contract includes administration by Employers Agent.
Construction	Delays in scheme approval lead to increased costs due to construction inflation.	Robust information submitted to allow SDC Committees/Cabinet/Council to make timely decisions. Project Contract sum based on programme.
Construction	Problems during ground works (contamination/obstructions/oil type) exceed allowances causing delay and extra costs.	Detailed ground investigation surveys will be undertaken prior to a contractor being appointed. Realistic contractor and client contingencies in place for unforeseens.
Public opposition	Residents oppose the scheme and prove awkward during construction	Resident consultation to date, as well as residents observations to the withdrawn planning application, notes that the majority of residents remain opposed to the provision of additional housing citing parking/traffic congestion and loss of

	<p>amenity space. The Council has taken these concerns into account and has adjusted its scheme where appropriate.</p> <p>Should the scheme proceed, appropriate arrangements will be put in place to ensure residents are informed about the construction programme to ensure minimal temporary disruption to residents.</p>
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**Item 6(d) Quercus Housing - Increasing the Delivery of Affordable Housing in the Sevenoaks District**

The attached report will be considered by Cabinet on 11 November 2021. The relevant Minute extract was not available prior to the printing of this agenda and will follow when available.

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**QUERCUS HOUSING - INCREASING THE DELIVERY OF AFFORDABLE HOUSING IN THE SEVENOAKS DISTRICT**

Council - 16 November 2021

**Report of:** Sarah Robson, Deputy Chief Executive, Chief Officer People & Places

**Status:** For Decision

**Also considered by:**

- Cabinet - 11 November 2021
- Housing & Health Advisory Committee - 20 October 2021
- Finance & Investment Advisory Committee - 4 November 2021

**Key Decision:** No

**Executive Summary:** Reliable access to decent housing is fundamental to improving life chances and reducing dependency on wider social support systems. In Sevenoaks District there is a shortfall between the demand for and supply of new affordable homes. This report sets out a proposal to amend the Quercus Housing Business Plan to enable prudential borrowing to take forward the purchase of Abbey Court in West Kingsdown in order to increase the supply of new affordable homes delivered by Quercus Housing, the Council's affordable housing trading company.

**This report supports the Key Aim of:** the Council's Housing and Health Strategy.

**Portfolio Holder:** Cllr. Kevin Maskell

**Contact Officer(s):** Sarah Robson, Ext 7129

**Recommendation to Housing and Health Advisory Committee, and Finance & Investment Advisory Committee:**

That comments on recommendations (a) to (d) below are passed to Cabinet.

**Recommendation to Cabinet:**

That recommendations (a) to (d) below are recommended to Council.

### **Recommendation to Council:**

- a) To approve a revised 2021/22 Capital Programme (Appendix C) that excludes the Property Investment Strategy scheme which will give SDC access to Public Works Loan Board (PWLB) borrowing to enable this scheme to progress.
- b) To approve the draw down of a loan from prudential borrowing (for example, through PWLB) for up to £1,050,000, which it then loans to Quercus Housing (as the Trading company) in order to progress the capital purchase and refurbishment of Abbey Court (West Kingsdown), subject to due diligence, to support the delivery of affordable housing in the district.
- c) To approve for the terms of the loan to be determined at the point of draw down by the Deputy Chief Executive, Chief Officer - Finance and Trading.

### **Introduction and Background**

- 1 Sevenoaks District Council is taking a pro-active approach to ensure and influence the supply of new homes in a sustainable way that protects the character of and improves the fabric and public realm of the district.
- 2 However, there remains a shortfall between the demand and supply of new affordable homes in Sevenoaks District, both in absolute terms as viability issues result in below policy delivery, and in specific specialist tenures especially in the provision of affordable rental housing, older people's housing, specialist accessible housing and social rented housing for large families.
- 3 The lack of affordable housing has contributed to the rise of homelessness and, as the Council has a statutory responsibility to assist homeless residents, this has created a greater financial burden upon the budget.
- 4 Delivery of affordable homes historically has been a planning led approach with the reliance on Planning Obligations, also known as Section 106 (s106) agreements to deliver affordable homes in the district.
- 5 The Council recognises the importance of Rural Exception Sites in providing affordable housing to areas that need them and continues to promote the opportunities they will bring in providing affordable housing to rural areas.
- 6 The Council is already looking at how it can use its own land assets more effectively to deliver additional housing to assist the Council in satisfying the housing demand caused by the failure of the market to deliver in these areas, whilst at the same time retaining asset value and providing greater control of what is built.
- 7 The high cost of land in the District makes it difficult for our Registered Provider (RP) partners to acquire land for building new affordable housing

themselves. To make the most cost effective use of s106 commuted sums, the Council has subsidised new developments that could not proceed without some assistance, for example, we are currently working with West Kent Housing Association to subsidise the delivery of 7 new supported housing flats for rough sleepers, using commuted sums of £200,000 at Vine Court Road. Supporting this proposal through the use of s106 commuted sums is an appropriate use of the funding, particularly as this type of supported housing would not otherwise be delivered by our RP partners.

- 8 Intervening in the housing market through direct delivery also offers opportunities to deliver a wider housing offer in areas and tenures that reduces demand elsewhere on the Council's service provision.
- 9 In 2019, the Council established Quercus Housing, a Local Authority Trading Company, to support the delivery of affordable homes in the district.
- 10 £6 million in s106 commuted sums for affordable housing was allocated to support the delivery of the Quercus Housing Business Plan. The funding has been provided by developers where affordable housing could not be delivered onsite. The funding is used to deliver affordable housing in the district.
- 11 In 2019, Quercus Housing purchased Gladedale House in Westerham. 5 units conform to the new 'genuinely affordable' definition in that they are within the Local Housing Allowance rate and the remaining 4 units are 'intermediate rent', in that they are 80% of market rent and offered to local essential workers. Five of the units have been leased to Quercus 7 for market rent. The total cost of the project was £3.771m, with £2.481m funded from S106 affordable housing contributions and the remainder of the cost, paid for by Quercus 7, for its leasehold properties.
- 12 Quercus Housing has recently completed the final contract stages with a developer at 11-13 High Street, Swanley to purchase the freehold for 15 flats for £3,600,000. The property comprises 12 two bed flats and 3 one bed flats. The development has provided a good opportunity to invest the s106 monies available, assisting affordable housing requirements in a single block investment in an area which is popular with renters.
- 13 Quercus Housing is currently in the negotiation stage to purchase the former nursing home Abbey Court, West Kingsdown, which could be converted into self-contained units at affordable rent, which would be split between Local Housing Allowance and 80% of market rent.
- 14 The Council's Housing team would use Abbey Court to provide suitable move on accommodation at affordable rent for households currently placed in temporary accommodation, but would develop its Local Lettings Plan in consultation with local councillors and the parish council to support residents with a local connection and housing need in West Kingsdown.
- 15 The property is subject to a covenant in terms of its use. The building requires refurbishment and alterations to provide the right mix of shared

## Agenda Item 6d

accommodation. In planning terms, the use would be a house in multiple occupation (HMO) requiring a change of use.

- 16 An offer of £700,000 has been submitted by Quercus Housing to the agent. Quercus Housing's offer was not the highest, but is considered the most deliverable. There is restrictive covenant for release by separate negotiation to allow for use as an HMO. Solicitors for the Rochester Diocese has agreed a payment of £35,000, plus fees, for a modification to be made to the covenant on the property, which would allow a HMO on the site. Solicitors have been instructed to undertake due diligence in order to properly evaluate the investment property, understand the property's potential and any risks involved in the purchase.
- 17 However, the estimated costs of refurbishment is close to £875,000, plus contingency and fees, which may bring the figure closer to over £1 million. There is currently insufficient s106 funding to support the refurbishment of the property.
- 18 Quercus Housing is attempting to find a way forward and in a realistic timeframe given there is financing, planning and refurbishment required. A financial appraisal has been completed (Appendix B). The appraisal includes an outline of cash-flow, including debt (interest and capital repayment) based on projected income and expenditure from Abbey Court. It should be noted that the floor plans have been updated to offer 19 self-contained units at affordable rent, including a mix of within Local Housing Allowance and 80% of market rent, which suggest a rental income of approximately £150,000 per annum in Year 1 if fully occupied, with an annual rent increase.
- 19 Although Quercus Housing makes a small operating profit, the acquisition of 11-13 High Street, Swanley will be instrumental in supporting any future loan, as it will be fully income producing within 6 months of practical completion. Based on attached cash-flow, both Gladedale House and 11-13 High Street, would need to produce identifiable net positive cash-flow to cover around £60,000 per annum of interest and capital repayments for a £1,050,000 loan over a 20 year period. The effect of different interest rates and loan periods would need to be tested.
- 20 It should be noted that provision has been made for service charges in the appraisal in order to mitigate any risk if a tenant does not pay and the debt is not recovered. However, service charges should not impact the cash flow of the Quercus Housing, as the tenant will be responsible for service charge payments, which will be collected by Leaders Letting and Estate Agents, who also manage the tenant rent accounts.
- 21 At present, Quercus Housing's business model is reliant on receiving s106 commuted sums for affordable housing, which impacts its ongoing financial scope to provide an annual programme of affordable housing delivery in line with its Business Plan.

- 22 At its meeting on 16 September 2021, the Quercus Housing Guarantor Board approved amendments to its Business Plan to enable the company to undertake prudential borrowing via the Council. Any borrowing would be subject to the usual approval mechanisms, including the review of the financial compliance aspects and scheme viability in consultation with the Quercus Housing Guarantor Board.
- 23 Most local authorities opt to borrow from the PWLB at below market rates and then on-lend to their subsidiary companies. There is an exemption from State Aid compliance for non-commercial purposes, thus in the case of Quercus Housing, below market rate lending is possible.
- 24 For example, the Council would draw down a loan from the PWLB, which it then loans to Quercus Housing (as the Trading company) in order to build/establish new affordable housing for rent. Quercus Housing is then responsible for providing this housing to the customers/tenants and recovering rents and service charges. The loan is then repaid to the Council with interest.
- 25 The Quercus Housing Guarantor Board expressed its support to progress Abbey Court and seek alternative funding or borrowing avenues, at its meeting on 8 July 2021, agreeing that although Abbey Court is not straightforward, it does present a rare opportunity to meet a hard to fulfil housing need in the district.

### **Prudential Borrowing**

- 26 The Prudential Borrowing Capital Finance system was introduced in 2004, allowing councils to borrow without Government consent. A council can invest in "any purpose relevant to its functions under any enactment, or for the purposes of the prudent management of its financial affairs". There are Government and CIPFA guidelines which councils must follow and they must adopt an investment strategy on an annual basis. Councils are also required to set aside a minimum revenue provision against any investment. As local authority borrowing contributes to the public sector debt, its overall level of borrowing and future constraints on such have to be considered.
- 27 Note that Prudential Borrowing Guidance is currently being updated to include additional restrictions but it is not anticipated that the changes will impact this scheme.
- 28 Therefore in principle the Council can use prudential borrowing to support affordable housing development. The great advantage is that the Council is able to borrow from Public Works Loans Board (PWLB) at very competitive rates. For the Council, affordable housing can represent a safe return on investment and it can take security over the properties acquired or developed. The Council has to consider the amount it can lend and what bodies it can lend to within the context of its investment strategy and prudential limits.

## Agenda Item 6d

### Other Options Considered and/or Rejected

- 29 The Council could choose not to approve amendments to the Business Plan to include the ability to undertake prudential borrowing. However, this would significantly restrict Quercus Housing's ability to deliver affordable housing in the district and limit its reliance on s106.

### Key Implications

#### Resource (non financial)

None. Utilising existing staff resources.

#### Financial

New Public Works Loan Board (PWLB) guidance issued in August 2021 specifically mentions that it can be used for housing schemes including on-lending to a wholly owned housing company. The guidance goes on to state: "Housing can include all spending on delivering new homes, maintaining or improving existing homes, and purchasing built homes to deliver housing services. This is the case irrespective of the financial arrangements of the housing project or housing delivery. However, the government expects that the location and value of any housing expenditure be appropriate to meet the local authority's housing needs."

However, due to the 'Property Investment Strategy' scheme currently being included in the capital programme, which is classed as an 'invest for yield' scheme, the Council is unable to borrow from the PWLB for any scheme. Therefore, to enable access to PWLB funding, the 2021/22 capital programme will have to be revised by removing the 'Property Investment Strategy' scheme.

At present, the financial appraisal (Appendix B) assumes Council borrowing at 2%. However, Finance will advise on the PWLB annuity rate over an agreed period in due course.

Finance will advise whether Minimum Revenue Provision may need to be considered to help facilitate the loan.

This borrowing would then be forwarded to Quercus Housing who would repay the Council from the rental income received.

#### Legal Implications and Risk Assessment Statement

The Quercus Housing Business Plan has been updated and approved by Guarantor Board. The company's Risk Management Strategy and Assessment will continue to be reviewed and updated to incorporate any future risks and mitigation of borrowing. Detailed budget monitoring is completed on a monthly basis where all variances are explained.

Having successfully negotiated the partial release of the Covenant, Abbey Court provides a future property asset to the Council.

### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **Conclusion**

Abbey Court presents a rare opportunity to meet a hard to fulfil housing need and presents as a great opportunity for Quercus Housing to deliver additional affordable rented accommodation in the district. The footprint of Abbey Court is substantial and with the agreed release of the Covenant, would provide the Council with a future asset.

The revised 2021/22 Capital Programme excludes the Property Investment Strategy scheme which will give SDC access to Public Loan Works Board (PWLB) borrowing to enable this scheme to progress.

To approve the draw- down of a loan from prudential borrowing (for example, through PWLB) for up to £1,050,000, which it then loans to Quercus Housing (as the Trading company) in order to progress the capital purchase and refurbishment of Abbey Court (West Kingsdown), subject to due diligence, to support the delivery of affordable housing in the district.

To approve for the terms of the loan to be determined at the point of draw down by the Deputy Chief Executive, Chief Officer - Finance and Trading.

### **Appendices**

Appendix A - Abbey Court - draft floor plan

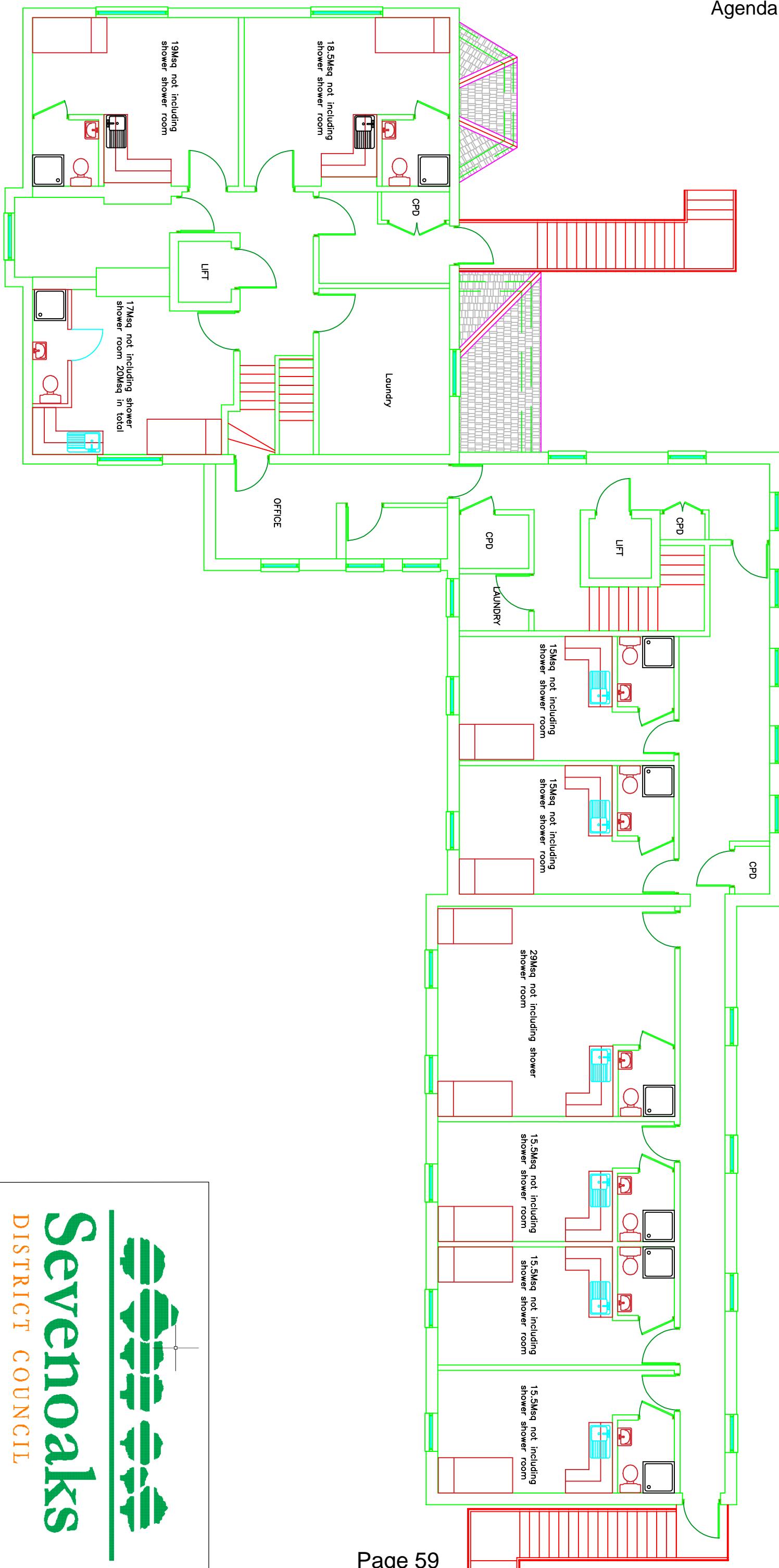
Appendix B - Abbey Court - financial appraisal - EXEMPT

Appendix C - Revised 2021/22 Capital Programme

### **Background paper**

None

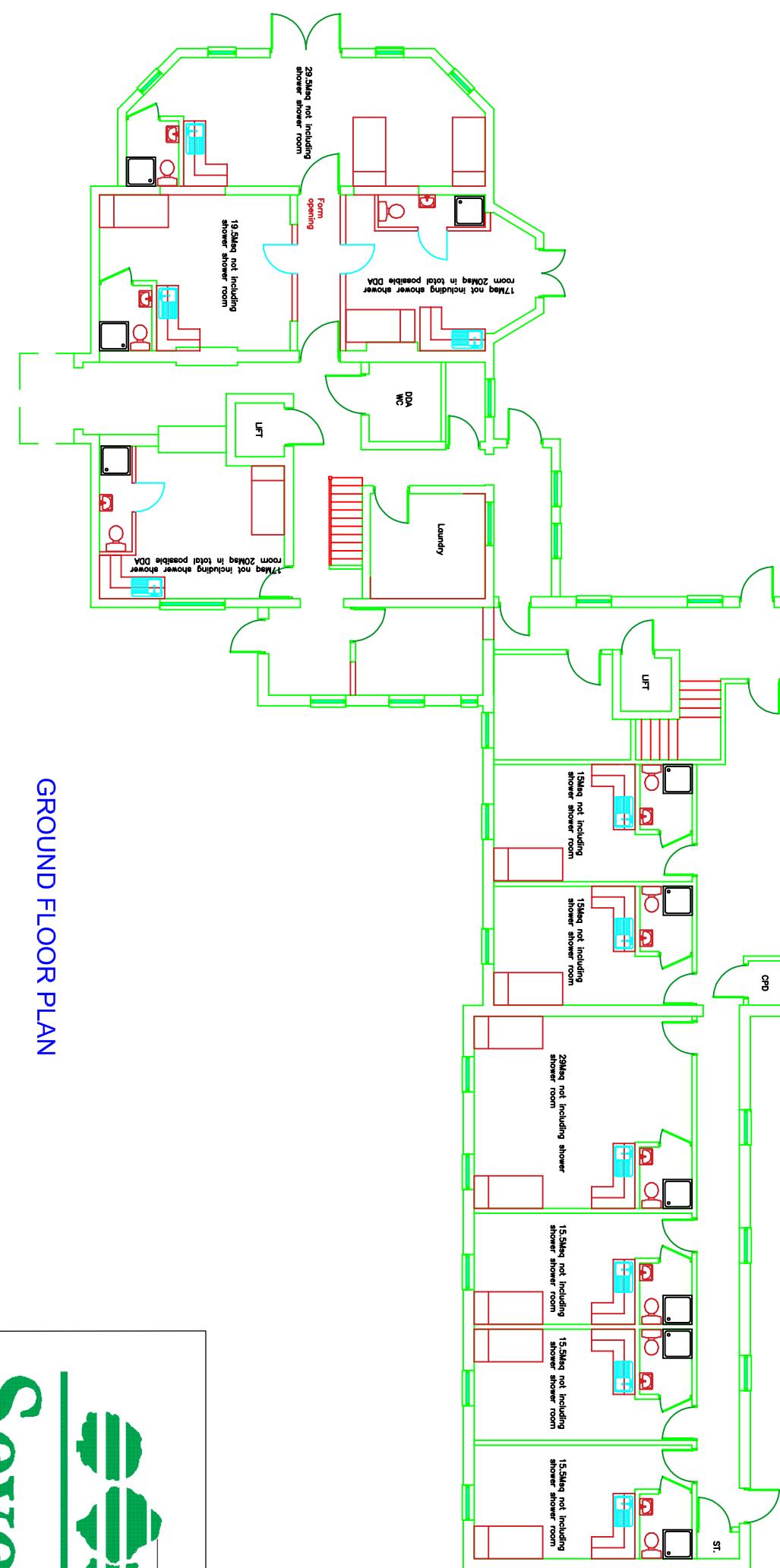
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**Sevenoaks**  
DISTRICT COUNCIL

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GROUND FLOOR PLAN

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of the Local Government Act 1972.

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## Appendix C

## REVISED Capital Programme 2021-24

Scheme	Funding Source								Total over programme period
				2020/21	2021/22	2022/23	2023/24		
		Total approved scheme	Previous years spend	Forecast	Budget	Budget	Budget		
		£000	£000	£000	£000	£000	£000	£000	
People & Places									
White Oak Leisure Centre	Capital Receipts & External funding, External borrowing	19,870	857	7,091	10,352	1,452	100	19,852	
White Oak Leisure centre - Orchards Academy	Capital Receipts	130		30	100			130	
Burlington Mews	Capital Receipts				79	8	8	95	
27-37 Swanley High street (meeting Point)	Capital Receipts & External funding			800	3,000	1,824		5,624	
White Oak Residential	Capital Receipts			50	50			100	
<b>Affordable Housing</b>	<b>External Borrowing</b>				<b>1,050</b>			<b>1,050</b>	
Bevan Place	Mixed			20	730			750	
Edenbridge	Mixed			20	-			20	
Sevenoaks Town Centre Regeneration	Mixed			30	300			330	
Hollybush	Mixed					350		350	
Spitals Cross	Mixed					50		50	
Otford Park & Ride	Mixed					200		200	
Westerham	Mixed					50		50	
Kemsing	Mixed						350	350	
Lullingstone	Mixed			20	30			50	
Other Feasibility & Due Diligence costs	Mixed			50	150	-		200	
Finance and Trading									
Commercial vehicle replacements	Vehicle Renewal Res.	-	-	549	563	563	563	2,238	
Disabled Facilities Grants (gross)	Better Care Fund	-	-	1,100	1,100	1,100	1,100	4,400	
<b>Property Investment Strategy</b>	<b>Prop. Inv. Reserve</b>	<b>50,300</b>	<b>29,505</b>	<b>5,000</b>				<b>34,505</b>	
<b>TOTAL</b>				<b>14,690</b>	<b>17,394</b>	<b>5,777</b>	<b>2,121</b>	<b>70,344</b>	

## Funding Sources

Capital Receipts		7,021	2,991	3,284	108
Financial Plan Reserve & Cap Receipts					
Vehicle Renewal Reserve		549	563	563	563
Property Investment Strategy ***		5,000	0	0	0
Better Care Fund (KCC)		1,100	1,100	1,100	1,100
Internal Borrowing					
Mixed funding depending on scheme funding		120	2,200	830	350
External Borrowing			9,050		
Grant Funding		900	1,490		
		14,690	17,394	5,777	2,121

\*\*\* Part will be funded from Capital Receipts, Reserves, Internal Borrowing and External Borrowing.

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**Item 7(a) Licensing Gambling Policy**

The attached report will be considered by Licensing Committee on 2 November 2021. The relevant Minute extract was not available prior to the printing of this agenda and will follow when available.

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**GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES OF GAMBLING POLICY**

Council - 16 November 2021

**Report of:** Deputy Chief Executive and Chief Officer Development Services

**Status:** For Decision

**Also Considered by:** Licensing Committee - 2 November 2021

**Key Decision:** No

**Executive Summary:** This report seeks a direction from the Committee on reviewing the Council's Statement of Gambling Policy which expires on 30 January 2022. Following a consultation held between 9 September 2021 and 20 October 2021, the Committee is asked to assess the feedback received and decide upon any proposed amendments as set out in Appendix B, before recommendation to Council.

**This report supports the Key Aim of:** Sustainable economy.

**Portfolio Holder:** Cllr. Margot McArthur

**Contact Officer:** Jessica Foley, Ext. 7480

**Recommendation to:** Licensing Committee

That, subject to the Committee's views on those further comments and recommendations in the appendices to the report, it be recommended to Council that the revised Statement of Gambling Policy as set out in Appendix F to be adopted as from 31 January 2022

**Recommendation to Council:** That the revised Statement of Gambling Policy be adopted as from 31 January 2022

**Reason for recommendation:** The review of Gambling Policy must take place this year in order to be in place in time for 31 January 2022 as legally required.

### **Introduction and Background**

- 1 The Gambling Act 2005 requires the Council, in its role as a licensing authority, to determine its Statement of Gambling Policy in respect of the exercise of its licensing functions every three years.
- 2 The Council's current Policy is in force until 30 January 2022, therefore a new Policy must be in place by 31 January 2022. Once in place this Policy must be kept under review.

## **Agenda Item 7a**

- 3 In accordance with this requirement, the Committee is invited to consider options for review of the policy to ensure a new or refreshed Statement of Gambling Policy is in place for the three year period 31 January 2022 to 30 January 2025.
- 4 The current Policy is attached as Appendix A.
- 5 Since the adoption of the last policy (which came into effect on 30 January 2019) there has been no material change to the number or location of betting shops, there are still 6 in the district (two in Sevenoaks town, one in Edenbridge and three in Swanley).
- 6 The draft Policy was put out for consultation from 9 September 2021 to 20 October 2021. Feedback was received from: (Appendix B)
  - The Gambling Commission
  - Sevenoaks District Council, Councillors.

### **Options for review or change**

- 7 It is suggested that two options are available:
  - (i) To amend the policy in line with recommendations and finalise the policy. It will then be referred to full council on 16 November 2021 for adoption to come into effect from 31 January 2022

Or

  - (ii) Having considered the feedback, the Committee may, however, wish to make further changes to policy (which may require further public consultation if substantial) and direct the Licensing Service to re-draft the policy in line with any such amendments .

- 7 It should be noted that if option two is followed it risks the policy not being in place by the statutory deadline if further public consultation is required.

### **Consultation on proposed Statement of Gambling Policy**

- 8 The Council is obliged by the Gambling Act to consult with the following groups before adopting a gambling policy:-
  - The Chief Officer of Police
  - One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the District; and,
  - One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act.

9 The Council is required to develop its own consultation processes and consultation methods.

### **Timetable**

10 The timetable in respect of the preparation and consultation for any proposed Policy is as follows and regardless of the Committee's chosen option, this will not change:

- 9 September to 20 October 2021 - Consultation period on a new draft Policy (This timescale allows for a 6 week consultation period).
- 2 November 2021 - Licensing Committee is invited to consider feedback from the consultation exercise and refer the proposed Policy to next meeting of the Council.
- 16 November 2021 - The Council is invited to adopt the new Policy.

### **Key Implications**

#### Financial

There are no specific financial implications resulting from the matters considered in this report as the minimal cost of consultation and publication in respect of the proposed Council's Statement of Gambling Policy will be met from the running costs of the Licensing Team and Licensing Partnership.

#### Legal Implications and Risk Assessment Statement.

The Council is obliged by the Gambling Act 2005 to review its Gambling Policy every three years. The commencement date of 30 January for the initial three year period and subsequent three year periods was set by the Gambling Act 2005. The Council has no discretion to alter the period for which its Gambling Policy is in force, although it can carry out further reviews within the set three year period.

Before the Council determines its new Policy, it must consult with the statutory consultees.

#### Equality Assessment

There is no perceived impact on end users.

### **Conclusions**

The Committee may agree to amend the policy in line with responses from the consultation and finalise the policy. It will then be referred to full council on 2 November 2021 for adoption to come into effect from 31 January 2022

or

Having considered the feedback and responses, the Committee may, however, wish to make further changes to policy and direct the Licensing Service to re-

## **Agenda Item 7a**

draft the policy in line with any such amendments.

### **Appendices**

Appendix A - Current Statement of Principles of Gambling Policy

Appendix B - Consultation responses

Appendix C - Cllr Edwards-Winser, tracked changes document

Appendix D - Gambling Commission, tracked changes document

Appendix E - Gambling Commission, Statement of Principles outline

Appendix F - DRAFT Gambling Policy Jan 2022 to Jan 2025

### **Background Papers**

Gambling Act 2005

Gambling Commission's Guidance to Licensing Authorities (Last updated 13 May 2021)

**Richard Morris**

**Deputy Chief Executive and Chief Officer Development Services**



# **Sevenoaks District Council**

**Gambling Act 2005  
Statement of Licensing Principles  
Gambling Policy  
31 January 2019 – 30 January 2022**

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## 1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:

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

Sevenoaks District Council as the Licensing authority for the Sevenoaks District will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

### Principles to be applied - Section 153

(1) In exercising its functions a licensing authority will only permit the use of premises for gambling:

- a) in accordance with any relevant code of practice under section 24;
- b) in accordance with any relevant guidance issued by the Commission under section 25;
- c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b));
- d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

(2) In determining whether to grant a Premises licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.

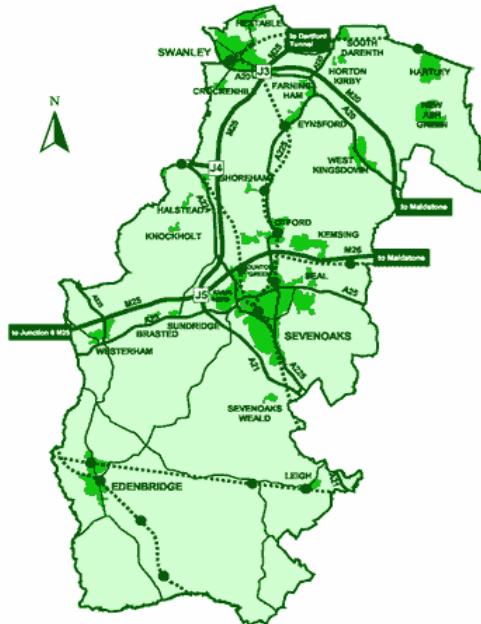
(3) Any objection to an application for a Premises licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective of prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.

## 2. Introduction

Sevenoaks District Council is situated in the County of Kent. Kent contains 12 Borough and District Councils with 1 Unitary Authority.

The Sevenoaks District Council area covers 142 square miles and has an estimated population of 110,000. The area is mainly rural with 4 main towns comprising Sevenoaks, Swanley, Edenbridge and Westerham.

## The Sevenoaks District Council Area



Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy statement setting out the principles that they propose to apply when exercising their functions. This statement may be reviewed from time to time but must be republished at least every three years.

In determining its policy the Licensing authority must have regard to Gambling Commission guidance and give appropriate weight to the views of those who respond to its consultation.

The Authority will consult widely on the Gambling Policy statement before being finalised and published.

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

- the chief officer of police for the authority's area;
- one or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The persons consulted when preparing this Policy statement was deliberately wide. A list of those persons consulted is attached at appendix 4.

The consultation for the policy took place between 20<sup>th</sup> August 2018 and 14<sup>th</sup> October 2018. The Authority has followed the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The full list of comments made and the consideration by the Authority of those will be available upon request to: The Licensing Team via email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephone 01732 227325.

The policy is published on Sevenoaks District Council's website [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk).

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

### **3. Declaration**

In producing the final licensing policy statement, this Licensing authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

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

### **4. Casinos**

**Proposal for a casino** - This Licensing authority did submit a proposal to the Independent Casinos Advisory Panel within the Sevenoaks District Council area. However, it was not successful.

**No Casinos resolution** – This Licensing authority has not passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005, and is aware that it has the power to do so. Should this Licensing authority decide to pass such a resolution, it will update this policy statement with details of that resolution.

### **5. Functions**

<b>Function</b>	<b>Who deals with it</b>
Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises licences	Licensing authority
Issue Provisional Statements	Licensing authority
Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits	Licensing authority
Issue Club Machine Permits to Commercial Clubs	Licensing authority
Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres	Licensing authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines	Licensing authority

Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines	Licensing authority
Register small society lotteries below prescribed thresholds	Licensing authority
Issue Prize Gaming Permits	Licensing authority
Receive and endorse Temporary Use Notices	Licensing authority
Receive Occasional Use Notices	Licensing authority
Provide information to the Gambling Commission regarding details of licences issued (see section 8 on ‘information exchange’)	Licensing authority
Maintain registers of the permits and licences that are issued under these functions	Licensing authority

### Gambling Commission Functions

Function	Who deals with it
Issue and renewal of Operating Licences	Gambling Commission
Review Operating Licences	Gambling Commission
Issue Personal Licences	Gambling Commission
Issue Codes of Practice	Gambling Commission
Issue Guidance to Licensing Authorities	Gambling Commission
Licence remote gambling through Operating Licences	Gambling Commission
Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines	Gambling Commission
Deal with appeals against Commission decisions	Gambling Appeals Tribunal

The Licensing authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

### 6. Operators

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for

up to ten different types of gambling activity and a separate licence is needed for both remote and non-remote gambling of the same types.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a Licensing authority area is required to apply for a premises licence that is specific to the particular premises.

Operators are required to comply with conditions attached to both their operator and individual premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

The Licence Conditions and Codes of Practice (LCCP) were updated in April 2018, and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them. Licensees are required to take into account the Licensing authority's statement of principles in developing their risk assessments.

## 7. Risk Assessments

Gambling operators are required to undertake a risk assessment for all their existing premises from 6<sup>th</sup> April 2016. In undertaking their risk assessments, they must take into account relevant matters identified in the Licensing authority's Statement of Policy.

The Licensing authority expects applicants for Premises licences in its area to submit a risk assessment with their application when applying for a new or variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.

The risk assessment should demonstrate the applicant has considered, as a minimum:

- local crime statistics;
- any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;
- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- the type of gambling product or facility offered;
- the layout of the premises;
- the external presentation of the premises;
- the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;

- the customer profile of the premises;
- staffing levels;
- staff training, knowledge and experience;
- whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

The licensing authority expects a copy of the risk assessment to be held at each premises so that it can be inspected by officials and staff alike.

## **8. Responsible Authorities**

In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

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

In accordance with the Gambling Commission's Guidance for local authorities this authority designates the following for this purpose:

Children's and Families - KCC Social Service

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3.

## **9. Interested parties**

The Licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

Section 158 of the Gambling Act 2005 says a person is an interested party if he/she;

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

An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the following (Gambling Commission's Guidance to local authorities (paragraphs 6.24 and 6.25))

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

Gambling Commission's Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.27). All objections must be based on the licensing objectives.

The Gambling Commission has recommended that the licensing authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations (paragraph 6.25). However, this Authority will not generally view these bodies as interested parties unless they have a member who can be classed as such under the terms of the Gambling Act 2005. (i.e. lives sufficiently close to the premises and is likely to be affected by the application.)

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties. Apart from these exceptions this Authority will require written evidence that a person/body/advocate/relative) represents someone likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter of authorisation from one of these persons, requesting the representative to speak on their behalf will be sufficient.

Councillors who are on the Licensing Committee dealing with the licence application will not be able to make representations. If there are any doubts then please contact Mrs Claire Perry Assistant Licensing Manager via email at [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephone 01732 227325.

## **10. Exchange of Information**

Licensing Authorities are required to include in their Gambling Policy Statement the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information and the provision that the Data Protection Act 1998 (DPA) or the General Data Protection Regulations (GDPR) will not be contravened. The Licensing authority will have regard to any Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to General Data Protection Regulations (GDPR), which will be considered when deciding what information to share and the process for doing so. The Council is also a signatory to the Kent & Medway

Information Sharing Agreement, which allows the sharing of information between Agencies for the purpose of the preventions and detection of crime and for public protection.

Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or a Subject Access Request.

## 11. Enforcement

This Licensing authority will act in accordance with the relevant legislation and guidance from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Compliance Code.

The purpose of this Licensing authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003. A copy can be requested from Sharon Bamborough, Head of the Licensing Partnership via email at [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephone 01732 227325.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing authority will endeavour to avoid duplication with other regulatory regimes so far as is possible. .

This Licensing authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

Licensing authorities are required by regulation under the Gambling Act 2005, to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing authority's principles are that:

It will adopt the guidance for local authorities and it will endeavour to be:

- Proportionate:

regulators should only intervene when necessary;

remedies should be appropriate to the risk posed, and

costs identified and minimised.

- Accountable:

regulators must be able to justify decisions, and

be subject to public scrutiny.

- Consistent:

rules and standards must be joined up and implemented fairly;

- Transparent:

regulators should be open, and keep regulations simple and user friendly; and

- Targeted:

regulation should be focused on the problem, and minimise side effects.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district.

The Licensing authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.

The Licensing authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises licence. To achieve this, the Licensing authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

The main enforcement and compliance role for this Licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Concerns relating to manufacture, supply or repair of gaming machines, or concerns relating to on-line or remote gambling is part of the Commissions role.

## 12. Gambling Prevalence and Problem Gambling

Participation in gambling and rates of problem gambling published in April 2018 on the Gambling Commission website by NHS Digital showed that:

- 56% of people in England gambled in 2016
- 42% of people in England (excluding those who had only played National Lottery draws) gambled in 2016
- 0.7% of people in England identified as problem gamblers
- 1.2% of gamblers in England identified as problem gamblers
- 3.6% of people in England were at low or moderate risk of developing problems with their gambling
- 6.6% of gamblers in England are at low or moderate risk of developing problems with their gambling

Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling loses. However, the effects of problem gambling can cost more than money.

Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities.

There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes.

Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions

<http://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Levels-of-problem-gambling-in-England.aspx>

[http://www.gamcare.org.uk/sites/default/files/file\\_attach/GamCare%20Annual%20Statistics%202016-17%20FINAL.pdf](http://www.gamcare.org.uk/sites/default/files/file_attach/GamCare%20Annual%20Statistics%202016-17%20FINAL.pdf)

## Appendix 1

Factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

### 1. Permits

#### (i) **Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

Where a premises does not hold a premises licence but wishes to provide gaming machines it may apply to the licensing authority for this permit.

The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

Sevenoaks District Council has considered and intends to require applicants to demonstrate:

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

It should be noted that a licensing authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 18(4)).

For initial applications, the licensing authority need not (but may) have regard to the licensing objectives but shall need to have regard to any Gambling Commission guidance.

The Gambling Commission’s Guidance for local authorities states: “In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities may want to give weight to child protection issues.

The Gambling Commission’s 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.

Statement of Principles: This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

An uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine

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

**(ii) (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(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. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant*.” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from 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 under 18 year olds do not have access to the adult only gaming machines.

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

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

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 machine.

**(iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, Sevenoaks District Council will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected 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. These will also apply to UFEC permits.

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and
- An enhanced criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 that the permit holder must comply with but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

#### (iv) Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

The Gambling Commission's Guidance for local authorities states: "Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, they must be permanent in nature, not established to make a commercial profit and must be controlled by their members equally unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A Members' Club must be permanent in nature and established and conducted for the benefit of its members and not a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.5)

The Licensing authority is aware that it may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the police.

The Licensing authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48 hour rule being applied for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?

- Is there a list of Committee members and evidence of their election by the club members?

When examining the club's constitution, the Licensing authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club).
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits

There is also a '**fast-track**' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, paragraph 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

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

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 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.

**Appendix 2****2. Premises licences****(i) Decision making - general:**

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

Any conditions attached to licences by the Licensing authority will be proportionate and will be:

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

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

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in a non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance and licence conditions and codes of practice .

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons less than 18 years of age.

These conditions will apply to premises including buildings where multiple premises licences are applicable. This does not apply to AGC or betting premises.

The licensing authority is aware that tracks may be subject to one or more than one premises licence provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

There are also conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes.

**(ii) “Premises”:**

Premises is defined in the Act as “any place”. It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities’ states, it “will always be a question of fact in the circumstances”. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

Sevenoaks District Council will have regard to the Gambling Commission’s guidance on the division of premises and access between premises.

This licensing authority takes particular note of the Guidance for local authorities which states that in considering applications for multiple licences for a building (split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that they are not permitted to be in close proximity to gambling. Therefore premises

should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and

- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of this guidance gives more information about provisional statements.

As the Court has held in a 2008 case<sup>19</sup>, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

### **(iii) Location:**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

**(iv) Planning:**

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

**(v) Duplication:**

As stated in section nine on Enforcement, as per the Gambling Commission's Guidance for local authorities this licensing authority will seek to avoid duplication with other regulatory regimes so far as possible.

**(vi) Door Supervisors:**

The Gambling Commission's Guidance advises local authorities that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

This licensing authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises is licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

**(vii) Split Premises**

The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

The Gambling Commission state they do ‘not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises’.

Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

In considering whether different areas of a building are genuinely separate premises the Licensing authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

When considering proposals to divide a building into separate premises, the Licensing authority will also need to be satisfied that the form of separation between the premises is appropriate.

The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.

It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

The Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing Authorities may consider that there should be an area

separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”

It is the Licensing authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

The Licensing authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

Where the Licensing authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
- entrances and exits from parts of a building covered by one or more Premises licences are separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the Premises licence.

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

#### **(viii) Access to Premises**

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

‘Direct access’ is not defined, but the Licensing authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

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

**(x) Licensing objectives:**

This licensing authority has considered the Gambling Commission's Guidance to local authorities in respect of the licensing objectives.

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

***Ensuring that gambling is conducted in a fair and open way:******Protecting children and other vulnerable persons from being harmed or exploited by gambling:*****(x) Reviews:**

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant code of practice issued by the Gambling Commission;
- it is in accordance with any relevant guidance issued by the Gambling Commission;
- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

**(xi) Provisional Statements:**

This licensing authority notes the Gambling Commission's Guidance for the Gambling Commission which states 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." and that
- "Requiring the building to be complete ensures that the authority can inspect it fully".

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

**(xii) Adult Gaming Centres (AGC):**

This licensing authority particularly notes the Gambling Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing

authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport.”

Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The licensing authority in considering premises licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

### **(xiii) (Licensed) Family Entertainment Centres (FECs):**

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

This licensing authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Since gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The licensing authority, in considering applications for FEC Premises licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant

to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

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

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

**(xiv) Tracks:**

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We shall have regard to this Guidance in the discharge of our functions.

**(xv) Casinos:**

This licensing authority will have regard to the Gambling Commission's guidance.

**(xvi) Bingo:**

This licensing authority will have regard to the Gambling Commission's guidance.

The licensing authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo is regularly played in any premises for which a Premises licence is issued and that

the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

**(xvii) Temporary Use Notices:**

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the licensing authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

**(xviii) Occasional Use Notices:**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

**(xix) Small Society Lotteries**

The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the risk status of the operator:

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

Non-commercial gaming is permitted if it takes place at a non-commercial event as either 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.

Charities and community groups should contact us via email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) to seek further clarification.

**(xx) Travelling Fairs:**

It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

#### **(xix) Betting Premises**

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.

In determining applications for betting premises, the licensing authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

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

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.

Section 181 of the Gambling Act 2005 permits the Licensing authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a premises licence for a betting office. When considering whether to do so, the licensing authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The licensing authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

**Help with gambling related problems:**

A list of organisations where people may seek help will be available on the licensing website.

**Appendix 3****Responsible Authorities:**

**Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:**

**Licensing Team**

Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP  
Tel: 01732 227325  
Fax: 01732 742339  
e-mail: [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)  
Website: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

**Local Planning Authority**

Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP  
Tel: 01732 227200  
Fax: 01732 451332

**Chief Police Officer – (West Kent Police)**  
Kent County Constabulary  
West Kent Area Commander  
Police Station  
1 Pembury Road  
Tonbridge  
Kent TN9 2HS  
Tel: 01732 771055

**Fire Safety - District Manager**  
Keith Burns  
Kent Fire & Rescue Service  
West Kent Fire Safety Office  
424 Vale Road  
Tonbridge  
Kent TN9 1SW  
Tel: 01732 369429

**Information can also be obtained from:**

**Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham B2 4BP  
Tel: 0121 230 6666  
Fax 0121 230 6720  
e-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

**Environmental Protection**

Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP  
Tel: 01732 2272000  
Fax: 01732 742339  
e-mail:  
[environmentalprotection@sevenoaks.gov.uk](mailto:environmentalprotection@sevenoaks.gov.uk)

**Health and Safety**

Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP  
Tel: 01732 227000  
Fax: 01732 742339

**Kent Child Protection Committee**

Children's and Families  
KCC Social Service  
The Willows  
Hilda May Avenue  
Swanley  
Kent BR8 7BT  
Website: [www.kcpc.org.uk](http://www.kcpc.org.uk)

## **HM Revenue & Customs**

HM Revenue and Customs  
Excise Processing Teams  
Gambling Duties  
BX9 1GL

Tel: 0300 322 7072 Option 7  
Email:  
[NRUBetting&Gaming@hmrc.gsi.gov.uk](mailto:NRUBetting&Gaming@hmrc.gsi.gov.uk)  
Website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

**Appendix 4**

**List detailing who this authority consulted with:**

**List of Consultees**

Sevenoaks District Council website

District Councillors

Councillor's Members Room

Parish and Town Councils

Licensees/their agents of gambling premises

- Neighbouring Authorities
- Bodies designated under section 157 of the Act as 'Responsible Authorities'
- Town Centre Forums, Partnerships and Managers
- Person/ bodies representative of local residents
- Person/ bodies representative of gambling businesses
- Representatives of persons or business who hold premises licences
- Organisations working with people who are problem gamblers
- Representatives of health care organisations
- Representatives of voluntary and community organisations working with children and young people

This list is not definitive. Residents associations will be sent copies on request.

**Appendix 5****Summary of machine provisions by premises**

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)		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)						
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)		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)						
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
<b>Betting premises and tracks occupied by pool betting</b>		Maximum of 4 machines categories B2 to D						
<b>Bingo premises</b>		Maximum of 8 machines in category B3 or B4				No limit on category C or D machines		
<b>Adult gaming centre</b>		Maximum of 4 machines in category B3 or B4				No limit on category C or D machines		
<b>Family entertainment centre</b> (with premises licence)						No limit on category C or D machines		
<b>Family entertainment centre</b> (with permit)						No limit on category D machines		
<b>Clubs or miners' welfare institute</b> (with permits)		Maximum of 3 machines in categories B3A or B4 to D*						
<b>Qualifying alcohol-licensed premises</b>						1 or 2 machines of category C or D automatic upon notification		
<b>Qualifying alcohol-licensed premises</b> (with gaming machine permit)						Number of category C D machines as specified on permit		
<b>Travelling fair</b>						No limit on category D machines		
	A	B1	B2	B3	B3A	B4	C	D

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.

**Appendix 6**

## **Summary of licensing authority delegations permitted under the Gambling Act 2005**

Matter to be dealt with	Full Council	Sub-Committee of licensing committee	Officers
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee Setting (where appropriate)			x
Application for Premises licences		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a transfer for a licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

## Feedback from the Gambling Policy consultation.

### Cllr Coleman's comment 1

On page 12 ref casinos: Why was the proposal for a casino unsuccessful? If we had one, would it bring in extra revenue to the Council? If so, could we try again?

#### Officers comment

We don't know why it was unsuccessful as we wouldn't get that feedback. The number of casinos is restricted and currently at the limit. Until such time that the number is increased by Government, we wouldn't be able to apply again.

### Cllr Coleman's comment 2

On page 18 under risk ratings, please could you explain what a higher risk rating means in practice? Also, do we routinely inspect premises? If so, how often?

#### Officers comment

For enforcement and compliance visits for all our premises (Licensing Act and Gambling Act) we have a 'risk based inspection programme'. We answer a number of questions based on our visit and the multiple choice answers give a score. The overall score will generate a date when the next visit is due.

If a premises visited does not comply with anything at the visit, they will stay on the list to be visited again.

If a premises has new management or we have received complaints, this would also put them on the list to be visited.

The visits would normally be part of our premises checking but as you can appreciate last year, there was a drop in visits due to lockdown etc. We hope to get back on top of this very shortly and with some admin support joining the Sevenoaks Officers soon, this will help to free up our time for visits.

### Cllr Coleman's comment 3

On page 19, Do we have any more recent figures on problem gambling as I am interested to see the impact of the lockdowns on gambling habits?

#### Officers comment

Information on this comes from the Gambling commission website. Further information would come from them and any documents they may publish.

### Cllr Coleman's comment 4

On page 21 in the second last line of the third from bottom paragraph, I would like to suggest we change the words 'may wish to consider' to something stronger eg 'Should consider the provision of information leaflets'.

#### Officers comment

We will feed this back as part of the consultation process and propose this is changed.

**Cllr Coleman's comment 5**

On page 33, again I would prefer stronger wording at the bottom of the third paragraph. The change would be from 'may cover issues' to 'should cover issues'.

**Officers comment**

We will refer this to Legal to see if it will have any adverse impact on the Licensing decision makers.

**Legal response**

I would suggest that there would be good reason for keeping the wording as "may" in this list.

The Policy has been worded to make it clear that we "expect" applicants to offer measures to meet the licensing objectives. There is a clear and significant burden on the applicant to meet that obligation.

You will also appreciate that a number of these examples are drawn from the "Ordinary" Code of Practice. In itself, applicants must have regard to that.

Together those two aspects should be quite effective.

I would suggest that if we were to include such wording then we should add further explanation that Operators may adopt alternative approaches to those mentioned if they have taken account of our policy and that an alternative approach is reasonable in their particular circumstances or would be similarly effective. However, as it has been drafted as an indicative tool for applicants and some of the bullet points such as CCTV are rather short, this would pose a difficulty in conducting a detailed assessment.

**Cllr Coleman's comment 6**

On page 34, I am not sure what self-exclusion schemes mean but assume it relates to a person voluntarily asking to be excluded? Can we also include exclusion schemes on the part of the license holder if he/she is aware that someone has a gambling problem [in the same way that a publican can exclude a drunk / an alcoholic]?

**Officers comment**

We will refer this to Legal to see if this is something that can be imposed on licence holders. However self-exclusion is on the part of the problem gambler. Anything else would be the licence holder banning them from the shop.

**Legal response**

As background, I should note that in an alcohol licensing premises conditions are not usually imposed to prohibit licence holders from serving those who have inappropriate habits – rather there is just the criminal prohibition on serving those who are already intoxicated. All else is usually at the discretion of the landlord.

There is no specific provision for this in Guidance and it would not usually be appropriate to impose blanket additional conditions. I would agree with the comments of the Senior Licensing Officer.

However, the list of measures is not exhaustive and should not be considered such. The concern you have raised does clearly relate to the protection of other vulnerable persons

and appropriate measures may be considered to deal with that aspect, particularly if there are specific concerns relating to that premises.

**Cllr Pender comment 1**

It would be useful to get some guidance on the difference between "disorder" and "nuisance".

The fact that we can't object to a gambling establishment on grounds of nuisance (or that the demand would be excessively high changing the character of an area) is interesting, but we can (it seems) object on the grounds of the need to prevent "crime or disorder". Crime is well defined but what is meant by disorder, and how it differs from nuisance, is less clear.

Are we to take it that disorder might not cover things like likely noise or excessive traffic in an area, but it might cover things like a tendency for fights to break out, or an establishment becoming associated with prostitution (even if done in a way where strict criminality was hard to prove)?

Would it be possible to get some additional clarity on this legal distinction?

**Officers comment**

Passed to Legal for some guidance.

**Legal response**

This can be difficult as there is no strict definition on the limits of what "disorderly" means. However, some matters are more likely to fit into the definition than others. Some legal scholars have suggested that "disorderly" would mean that the behaviour offends against values generally recognised by society being of a character likely to cause annoyance to others who are present, though not reaching the level of a breach of the peace (which would be criminal).

For the definition of Public Nuisance in a licensing context, I could probably do no better than to refer Cllr Pender to the [Guidance issued under Section 182 of the Licensing Act 2003](#) (page 9):

At paragraph 2.16 the Guidance suggests that:

It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

I would say that it is quite possible for the two definitions to overlap a little and so I certainly appreciate Cllr Pender's concern in this matter.

**Cllr Pender comment 2**

May I ask what the current licensing regime is, with respect to gambling establishments?

**Officers comment**

Sevenoaks currently has 6 betting shops. Two in Sevenoaks town, one in Edenbridge and three in Swanley.

The Gambling Act also covers Gaming Notifications and permits that premises may have for gaming machines and Lottery licences that are usually held by schools or community premises that sell raffle tickets in advance of the prize draw date.

Licences, Permits and Gaming Notifications would be checked while Officers are carrying out Premises inspection visits. Additional visits would be made if there are new managers in place or should complaints or intelligence received.

### **Cllr Pender comment 2.1**

I was more wondering what policy this draft document would be replacing?

The most obvious issue currently is the numerous references to CCTV as an implied positive.

CCTV should not be a requirement of our licensing conditions, ever. It has been removed as a requirement for an alcohol license, it is not a requirement for taxi drivers, and it is inconsistent and wrong to suggest a CCTV mandate should apply here.

In fact, it would be best if an explicit statement was made that CCTV will never be required as a licensing condition, and that an offer to put in CCTV will not assist in the passing of an application, as it is important that pragmatic business people who want their licence to go through do not end up feeling that offering CCTV is the path of least resistance.

So I would like this aspect to be looked at with some urgency.

### **Officers comment**

It is a minor refresh proposed to replace the current Gambling Policy.

Thank you for your comments on CCTV. We will feed this back as part of the consultation process.

### **Cllr Fleming's comment**

Thank you, I am happy.

### **Cllr Layland's comment**

Jessica, I can confirm that I have read the Draft Statement of Licensing Policy for The Gambling Act 2005 and do not wish to make any further comments.

### **Cllr Edwards-Winser's comment**

See Cllr Edwards-Winser, John Tracked changes document.

### **Jane Blade, Compliance Manager, Gambling Commission comments**

Although we are not making formal comments, we have made some notes and suggested amendments on the draft policy to assist you. There is no need to record this as a consultation response – our response is solely to correct any errors and to make suggestions about other matters you may wish to include.

We have attached an outline document that was used three years ago to assist local authorities. There may be things in this document that would help you.

See Jane Blade Compliance Manager Tracked changes document.

**Agenda Item 7a  
Appendix B**

See Jane Blade Compliance Manager, Statement of Principles Outline.

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# **Sevenoaks District Council**

**Gambling Act 2005 Statement of Licensing Principles**  
**Gambling Policy 31 January 2022 – 30 January 2025**

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## 1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:

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

Sevenoaks District Council as the Licensing authority for the Sevenoaks District will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

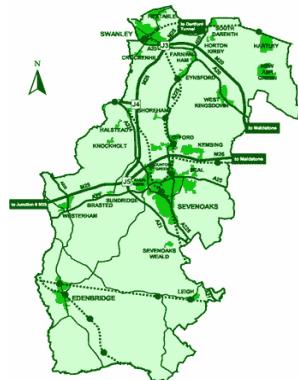
### Principles to be applied - Section 153

(1) In exercising its functions a licensing authority will only permit the use of premises for gambling:

- a) in accordance with any relevant code of practice under section 24;
- b) in accordance with any relevant guidance issued by the Commission under section 25;
- c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b));
- d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

(2) In determining whether to grant a Premises licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.

(3) Any objection to an application for a Premises licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective of prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.



## 2. Introduction

Sevenoaks District Council is situated in the County of Kent. Kent contains 12 Borough and District Councils with 1 Unitary Authority.

The Sevenoaks District Council area covers 142 square miles and has an estimated population of 110,000. The area is mainly rural with 4 main towns comprising Sevenoaks, Swanley, Edenbridge and Westerham. The Sevenoaks District Council Area

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy statement setting out the principles that they propose to apply when exercising their functions. This statement may be reviewed from time to time but must be republished at least every three years.

In determining its policy the Licensing authority must have regard to Gambling Commission guidance and give appropriate weight to the views of those who respond to its consultation.

The Authority will consult widely on the Gambling Policy statement before being finalised and published.

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

- the chief officer of police for the authority's area;
- one or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The persons consulted when preparing this Policy statement was deliberately wide. A list of those persons consulted is attached at appendix 4.

The consultation for the policy took place between 9<sup>th</sup> September 2021 and 20<sup>th</sup> October 2021. The Authority has followed the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector.

**Commented [J1]:** This might have risen to 120,000

The full list of comments made and the consideration by the Authority of those will be available upon request to: The Licensing Team via [email](#) or by telephone 01732 227004.

The policy is published on [Sevenoaks District Council's website](#).

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

### 3. Declaration

In producing the final licensing policy statement, this Licensing authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

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

### 4. Casinos

**Proposal for a casino** - This Licensing authority did submit a proposal to the Independent Casinos Advisory Panel within the Sevenoaks District Council area. However, it was not successful.

**No Casinos resolution** – This Licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, and is aware that it has the power to do so. Should this Licensing authority decide to pass such a resolution, it will update this policy statement with details of that resolution.

### 5. Functions

**The following functions are dealt with by the Licensing Authority –**

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines

- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section 8 on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

**The following functions are dealt with by the Gambling Commission –**

- Issue and renewal of Operating Licences
- Review Operating Licences
- Issue Personal Licences
- Issue Codes of Practice
- Issue Guidance to Licensing Authorities
- Licence remote gambling through Operating Licences
- Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines

**The following functions are dealt with by the Gambling Appeals Tribunal –**

- Deal with appeals against Commission decision

The Licensing authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

## 6. Operators

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for up to ten different types of gambling activity and a separate licence is needed for both remote and non-remote gambling of the same types.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a Licensing authority area is required to apply for a premises licence that is specific to the particular premises.

Operators are required to comply with conditions attached to both their operator and individual premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory). The Licence Conditions and Codes of Practice (LCCP) were updated in April 2018, and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them.

Licensees are required to take into account the Licensing authority's statement of principles in developing their risk assessments.

**Commented [J2]:** Split one word into two

## 7. Risk Assessments

Gambling operators ~~are~~ required to undertake a risk assessment for all their existing premises from 6<sup>th</sup> April 2016. In undertaking their risk assessments, they must take into account relevant matters identified in the Licensing authority's Statement of Policy. The Licensing authority expects applicants for Premises licences in its area to submit a risk assessment with their application when applying for a new or variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.

The risk assessment should demonstrate the applicant has considered, as a minimum:

- a. local crime statistics;
- b. ~~any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;~~ Commented [J3]: Have been
- c. the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- d. whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- e. the type of gambling product or facility offered;
- f. the layout of the premises;
- g. the external presentation of the premises;
- h. the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- i. the customer profile of the premises;
- j. staffing levels;
- k. staff training, knowledge and experience;
- l. ~~whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.~~ Commented [J4]: b, c and d need the indent realigned

The licensing authority expects a copy of the risk assessment to be held at each premises so that it can be inspected by officials and staff alike.

## 8. Responsible Authorities

In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area and

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Gambling Commission's Guidance for local authorities this authority designates the following for this purpose:

Children's and Families - KCC Social Service

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3.

#### **9. Interested parties**

The Licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

Section 158 of the Gambling Act 2005 says a person is an interested party if he/she;

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

An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the following (Gambling Commission's Guidance to local authorities (paragraphs 6.33 and 6.34))

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

Gambling Commission's Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.34). All objections must be based on the licensing objectives.

The Gambling Commission has recommended that the licensing authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations (paragraph 8.16). However, this Authority will not generally view these bodies as interested parties unless they have a member who can be classed as such under the terms of the Gambling Act 2005. (i.e. lives sufficiently close to the premises and is likely to be affected by the application.)

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties. Apart from these exceptions this Authority will require written evidence that a person/body/advocate/relative) represents someone likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter of authorisation from one of these persons, requesting the

representative to speak on their behalf will be sufficient.

Councillors who are on the Licensing Committee dealing with the licence application will not be able to make representations. If there are any doubts then please contact The Licensing Team via [email](#) or by telephone 01732 227004.

#### 10. Exchange of Information

Licensing Authorities are required to include in their Gambling Policy Statement the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information and the provision that the Data Protection Act 1998 (DPA) or the General Data Protection Regulations (GDPR) will not be contravened. The Licensing authority will have regard to any Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to General Data Protection Regulations (GDPR), which will be considered when deciding what information to share and the process for doing so. The Council is also a signatory to the Kent & Medway Information Sharing Agreement, which allows the sharing of information between Agencies for the purpose of the prevention and detection of crime and for public protection.

Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or a Subject Access Request.

#### 11. Enforcement

This Licensing authority will act in accordance with the relevant legislation and guidance from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Compliance Code.

The purpose of this Licensing authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003. A copy can be requested from Sharon Bamborough, Head of the Licensing Partnership via [email](#) or by telephone 01732 227004.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing authority will endeavour to avoid duplication with other regulatory regimes so far as is possible.

This Licensing authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

Licensing authorities are required by regulation under the Gambling Act 2005, to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

**Commented [J6]:** Licensing Authority

**Commented [J7]:** Licensing Authority

This Licensing authority's principles are that:

It will adopt the guidance for local authorities and it will endeavour to be:

a. Proportionate:

regulators should only intervene when necessary;  
remedies should be appropriate to the risk posed, and  
costs identified and minimised.

b. Accountable:

regulators must be able to justify decisions, and  
be subject to public scrutiny.

c. Consistent:

rules and standards must be joined up and  
implemented fairly;

d. Transparent:

regulators should be open, and keep regulations simple and user friendly;  
and

e. Targeted:

regulation should be focused on the problem, and minimise side effects.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district.

The Licensing authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.

The Licensing authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises licence. To achieve this, the Licensing authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections

will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

The main enforcement and compliance role for this Licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Concerns relating to manufacture, supply or repair of gaming machines, or concerns relating to on-line or remote gambling is part of the Commissions role.

## 11. Gambling Prevalence and Problem Gambling

Participation in gambling and rates of problem gambling published in April 2018 on the Gambling Commission website by NHS Digital showed that:

Commented [J8]: Does this and paras f-k need updating?

- f. 56% of people in England gambled in 2016
- g. 42% of people in England (excluding those who had only played National Lottery draws) gambled in 2016
- h. 0.7% of people in England identified as problem gamblers
- i. 1.2% of gamblers in England identified as problem gamblers
- j. 3.6% of people in England were at low or moderate risk of developing problems with their gambling
- k. 6.6% of gamblers in England are at low or moderate risk of developing problems with their gambling

Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling losses. However, the effects of problem gambling can cost more than money.

Commented [J9]: involve

Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities.

There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes.

Problem gambling can be progressive in nature and problem gamblers can end up engaging

in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

<http://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Levels-of-problem-gambling-in-England.aspx>

There are around 280,000 problem gamblers in England alone, according to a 2018 study by NHS Digital, although a YouGov survey earlier this year found there could be 1.4 million across the UK. (29 Oct 2020)

When respondents who had only taken part in National Lottery draws were excluded, the overall participation rate was down from 32% in 2019 to 28% in 2020. In other activities, there were decreases in participation in in-person football pools, bingo, betting on horse races, betting on other events and casino games. (25 Feb 2021)

**Appendix 1**

Factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

**1. Permits****① Unlicensed Family Entertainment Centre (FEC) gaming machine permits  
(Statement of Principles on Permits - Schedule 10 paragraph 7)**

Where a premises does not hold a premises licence but wishes to provide gaming machines it may apply to the licensing authority for this permit.

The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

Sevenoaks District Council has considered and intends to require applicants to demonstrate:

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

It should be noted that a licensing authority cannot attach conditions to this type of permit and that the "statement of principles" only applies to initial applications and not to renewals (paragraph 18(4)).

For initial applications, the licensing authority need not (but may) have regard to the licensing objectives but shall need to have regard to any Gambling Commission guidance.

The Gambling Commission's Guidance for local authorities states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities may want to give weight to child protection issues.

The Gambling Commission's 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.

Statement of Principles: This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

**Commented [J10]:** The Licencing Authority

An uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine

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

#### **(i) (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(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. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant*." This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from 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 under 18 year olds do not have access to the adult only gaming machines.

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

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

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 machine.

④ **Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, Sevenoaks District Council will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected 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. These will also apply to UFEC permits.

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and
- An enhanced criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 that the permit holder must comply with but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

**Commented [J11]:** Should this read – The Licensing Authority

#### **(M) Club Gaming and Club Machines Permits**

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

The Gambling Commission's Guidance for local authorities states: "Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, they must be permanent in nature, not established to make a commercial profit and must be controlled by their members equally unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A Members' Club must be permanent in nature and established and conducted for the benefit of its members and not a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.5)

The Licensing authority is aware that it may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the police.

The Licensing authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48 hour rule being applied for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?

- Is there a list of Committee members and evidence of their election by the club members?

When examining the club's constitution, the Licensing authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club).
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits

There is also a '**fast-track**' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, paragraph 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

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

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 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.

**Appendix 2****2. Premises licences****(i) Decision making - general:**

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

Any conditions attached to licences by the Licensing authority will be proportionate and will be:

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

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

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in a non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance and licence conditions and codes of practice .

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons less than 18 years of age.

These conditions will apply to premises including buildings where multiple premises licences are applicable. This does not apply to AGC or betting premises.

The licensing authority is aware that tracks may be subject to one or more than one premises licence provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

There are also conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes.

**(ii) "Premises":**

Premises is defined in the Act as "any place". It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities' states, it "will always be a question of fact in the circumstances". The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

Sevenoaks District Council will have regard to the Gambling Commission's guidance on the division of premises and access between premises.

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This licensing authority takes particular note of the Guidance for local authorities which states that in considering applications for multiple licences for a building (split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that they are not permitted to be in close proximity to gambling. Therefore premises

should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and

- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of this guidance gives more information about provisional statements.

As the Court has held in a 2008 case<sup>19</sup>, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

### **(iii) Location:**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

**(iv) Planning:**

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

**(v) Duplication:**

As stated in section nine on Enforcement, as per the Gambling Commission's Guidance for local authorities this licensing authority will seek to avoid duplication with other regulatory regimes so far as possible.

**(vi) Door Supervisors:**

The Gambling Commission's Guidance advises local authorities that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

This licensing authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises is licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

**(vii) Split Premises**

The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

In considering whether different areas of a building are genuinely separate premises the Licensing authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

When considering proposals to divide a building into separate premises, the Licensing authority will also need to be satisfied that the form of separation between the premises is appropriate.

The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.

It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

The Guidance at paragraph 7.22 states "There is no definition of 'direct access' in the Act or Regulations, but Licensing Authorities may consider that there should be an area

separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access."

It is the Licensing authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

The Licensing authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

Where the Licensing authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
- entrances and exits from parts of a building covered by one or more Premises licences are separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the Premises licence.

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

#### **(viii) Access to Premises**

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

'Direct access' is not defined, but the Licensing authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

## Types of Premises and their access provisions

### Casino

- The principal access to the premises must be from a 'street';
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.

### Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises;

### Betting Shop

- Access must be from a 'street' or from other premises with a betting licence;
- No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.

### Track

- No customer must be able to access the premises directly from a casino or Adult Gaming Centre

### Bingo Premises

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

### Family Entertainment Centre

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

### (ix) Licensing objectives:

This licensing authority has considered the Gambling Commission's Guidance to local authorities in respect of the licensing objectives.

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

***Ensuring that gambling is conducted in a fair and open way:***

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

### (x) Reviews:

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant code of practice issued by the Gambling Commission;
- it is in accordance with any relevant guidance issued by the Gambling Commission;

- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

**(xi) Provisional Statements:**

This licensing authority notes the Gambling Commission's Guidance for the Gambling Commission which states 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." and that
- "Requiring the building to be complete ensures that the authority can inspect it fully".

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

**(xii) Adult Gaming Centres (AGC):**

This licensing authority particularly notes the Gambling Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The licensing authority in considering premises licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

**(xiii) (Licensed) Family Entertainment Centres (FECs):**

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

This licensing authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Since gaming machines provide opportunities for solitary play and for immediate pay outs, they are more likely to engender repetitive and excessive play. The licensing authority, in considering applications for FEC Premises licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours

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- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

**(xiv) Tracks:**

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We shall have regard to this Guidance in the discharge of our functions.

**(xv) Casinos:**

This licensing authority will have regard to the Gambling Commission's guidance.

**(xvi) Bingo:**

This licensing authority will have regard to the Gambling Commission's guidance.

The licensing authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo is regularly played in any premises for which a Premises licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

**(xvii) Temporary Use Notices:**

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the licensing authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

**(xviii) Occasional Use Notices:**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

**(xix) Small Society Lotteries**

The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the

risk status of the operator:

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

Non-commercial gaming is permitted if it takes place at a non-commercial event as either 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.

Charities and community groups should contact us via email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) to seek further clarification.

#### **(xx) Travelling Fairs:**

It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

#### **(xxi) Betting Premises**

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.

In determining applications for betting premises, the licensing authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers

- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

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

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.

Section 181 of the Gambling Act 2005 permits the Licensing authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a premises licence for a betting office. When considering whether to do so, the licensing authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The licensing authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

#### **Help with gambling related problems:**

A list of organisations where people may seek help will be available on the licensing website.

**Appendix 3****Responsible Authorities:**

**Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:**

**Licensing Team**

Sevenoaks District Council

Council Offices

PO Box 182

Argyle Road

Sevenoaks

Kent TN13 1GP

Tel: 01732 227004

[Sevenoaks District Council email](#)

[Sevenoaks District Council website](#)

**Information can also be obtained from:**

**Gambling Commission**

Victoria Square House

Victoria Square

Birmingham B2 4BP

Tel: 0121 230 6666

[Gambling Commission email](#)

[Gambling Commission website](#)

**Local Planning Authority**

Sevenoaks District Council

Council Offices

Argyle Road

Sevenoaks

Kent TN13 1GP

Tel: 01732 227000

**Environmental Protection**

Sevenoaks District Council

Council Offices

Argyle Road

Sevenoaks

Kent TN13 1GP

Tel: 01732 227000

[Environmental Health email](#)

### **Police Licensing and Drugs Officer**

Licensing Coordinator

[Community Safety Unit](#)

Tonbridge and Malling Borough Council

Gibson Drive

Kings Hill

West Malling. ME19 4LZ

[Police Licensing Coordinator email](#)

**Commented [J14]:** Do we not involve the SDC CSU?

### **Health and Safety**

Sevenoaks District Council

Council Offices

Argyle Road

Sevenoaks

Kent TN13 1GP

Tel: 01732 227000

### **Fire Safety –**

District Manager

Kent Fire & Rescue Service

West Kent Fire Safety Office

424 Vale Road

Tonbridge

Kent TN9 1SW

Tel: 01732 369429

### **Kent Child Protection Committee**

Children's and Families KCC Social Service

The Willows

Hilda May Avenue

Swanley

Kent BR8 7BT

[Kent Child Protection website](#)

### **HM Revenue & Customs**

HM Revenue and Customs

Excise Processing Teams

Gambling Duties

BX9 1GL

Tel: 0300 200 3701

[HM Revenue & Customs email](#)

[HM Revenue & Customs website](#)

**Appendix 4**

**List detailing who this authority consulted with:**

**List of Consultees**

Sevenoaks District Council website

District Councillors

Councillor's Members Room

Parish and Town Councils

Licensees/their agents of gambling premises

Neighbouring Authorities

**List of Consultees**

Sevenoaks District Council website

District Councillors

Councillor's Member Room

Parish and Town Councils

Licensees/their Agents of gambling premises

Neighbouring Authorities

Bodies designated under section 157 of the Act as 'Responsible Authorities'

Town Centre Forums, Partnerships and Managers

Person/ bodies representative of local residents

Person/ bodies representative of gambling businesses

Representatives of persons or business who hold premises licences

Organisations working with people who are problem gamblers

Representatives of health care organisations

Representatives of voluntary and community organisations working with children and young people

This list is not definitive. Residents associations will be sent copies on request.

**Appendix 5****Summary of machine provisions by premises**

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D						
Bingo premises		Maximum of 8 machines in category B3 or B4				No limit on category C or D machines		
Adult gaming centre		Maximum of 4 machines in category B3 or B4				No limit on category C or D machines		
Family entertainment centre (with premises licence)						No limit on category C or D machines		
Family entertainment centre (with permit)						No limit on category D machines		
Clubs or miners' welfare institute (with permits)		Maximum of 3 machines in categories B3A or B4 to D*						
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification		
Qualifying alcohol-licensed premises (with gaming machine permit)						Number of category C D machines as specified on permit		
Travelling fair						No limit on category D machines		
	A	B1	B2	B3	B3A	B4	C	D

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.

**Appendix 6****Summary of licensing authority delegations permitted under the Gambling Act 2005**

Matter to be dealt with	Full Council	Sub-Committee of licensing committee	Officers
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee Setting (where appropriate)			x
Application for Premises licences		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a transfer for a licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice	x		

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# **Sevenoaks District Council**

**Gambling Act 2005 Statement of Licensing Principles**  
**Gambling Policy 31 January 2022 – 30 January 2025**

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## 1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:

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

Sevenoaks District Council as the Licensing authority for the Sevenoaks District will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

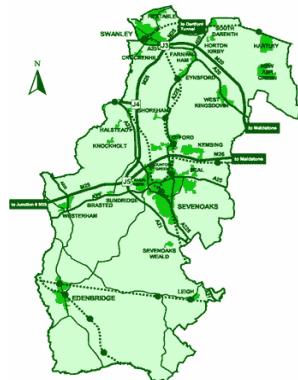
### Principles to be applied - Section 153

(1) In exercising its functions a licensing authority will only permit the use of premises for gambling:

- a) in accordance with any relevant code of practice under section 24;
- b) in accordance with any relevant guidance issued by the Commission under section 25;
- c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b));
- d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

(2) In determining whether to grant a Premises licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.

(3) Any objection to an application for a Premises licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective of prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.



## 2. Introduction

Sevenoaks District Council is situated in the County of Kent. Kent contains 12 Borough and District Councils with 1 Unitary Authority.

The Sevenoaks District Council area covers 142 square miles and has an estimated population of 110,000. The area is mainly rural with 4 main towns comprising Sevenoaks, Swanley, Edenbridge and Westerham. The Sevenoaks District Council Area

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy statement setting out the principles that they propose to apply when exercising their functions. This statement may be reviewed from time to time but must be republished at least every three years.

In determining its policy the Licensing authority must have regard to Gambling Commission guidance and give appropriate weight to the views of those who respond to its consultation.

The Authority will consult widely on the Gambling Policy statement before being finalised and published.

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

- the chief officer of police for the authority's area;
- one or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The persons consulted when preparing this Policy statement was deliberately wide. A list of those persons consulted is attached at appendix 4.

The consultation for the policy took place between 9<sup>th</sup> September 2021 and 20<sup>th</sup> October 2021. The Authority has followed the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The full list of comments made and the consideration by the Authority of those will be available upon request to: The Licensing Team via [email](#) or by telephone 01732 227004.

The policy is published on [Sevenoaks District Council's website](#).

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

### 3. Declaration

In producing the final licensing policy statement, this Licensing authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

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

### 4. Casinos

**Proposal for a casino** - This Licensing authority did submit a proposal to the Independent Casinos Advisory Panel within the Sevenoaks District Council area. However, it was not successful.

**No Casinos resolution** – This Licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, and is aware that it has the power to do so. Should this Licensing authority decide to pass such a resolution, it will update this policy statement with details of that resolution.

### 5. Functions

**The following functions are dealt with by the Licensing Authority –**

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines

- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section 8 on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

**The following functions are dealt with by the Gambling Commission –**

- Issue and renewal of Operating Licences
- Review Operating Licences
- Issue Personal Licences
- Issue Codes of Practice
- Issue Guidance to Licensing Authorities
- Licence remote gambling through Operating Licences
- Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines

**The following functions are dealt with by the Gambling Appeals Tribunal –**

- Deal with appeals against Commission decision

The Licensing authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

## 6. Operators

Gambling businesses are required to ~~have obtain~~ an ~~operator~~Operating licence issued by the Gambling Commission before they can operate in Great Britain. ~~Operator licences can be issued for up to ten different types of gambling activity and a separate licence is needed for both remote and non-remote gambling of the same types.~~

An ~~operator~~Operating licence ~~gives a general authorisation for permits a business gambling operator~~ to provide gambling facilities, but ~~a business wishing if the operator wishes~~ to provide non-remote gambling facilities (~~betting, arcades, bingo or casinos~~) ~~in a Licensing~~ at premises in a local authority area, ~~they must is required to apply for obtain~~ a premises licence ~~that is specific to the for each particular premises at which those facilities will be provided.~~

Operators are required to comply with conditions attached to both their ~~operator~~Operating and ~~individual~~ premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

~~The Licence Conditions and Codes of Practice (LCCP) were updated in April 2018, and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them.~~

~~Licensees are required to take into account the Licensing authority's statement of principles in developing their risk assessments.~~

**Commented [JB1]:** The LCCP has been updated several times since 2018 and is updated regularly. Operators are aware of these requirements, and we would suggest this paragraph is removed.

## 7. Risk Assessments

Gambling operators are required to undertake a risk assessment for all their existing premises from 6<sup>th</sup> April 2016. In undertaking their risk assessments, they must take into account relevant matters identified in the Licensing authority's Statement of Policy.

The Licensing authority expects applicants for Premises licences in its area to submit a risk assessment with their application when applying for a new or variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.

The risk assessment should demonstrate the applicant has considered, as a minimum:

- a. local crime statistics;
- b. any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;
- c. the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- d. whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- e. the type of gambling product or facility offered;
- f. the layout of the premises;
- g. the external presentation of the premises;
- h. the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- i. the customer profile of the premises;
- j. staffing levels;
- k. staff training, knowledge and experience;
- l. whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

The licensing authority expects a copy of the risk assessment to be held at each premises so that it can be inspected by officials and staff alike.

## 8. Responsible Authorities

In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area and

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Gambling Commission's Guidance for local authorities this authority designates the following for this purpose:

Children's and Families - KCC Social Service

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3.

#### 9. Interested parties

The Licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

Section 158 of the Gambling Act 2005 says a person is an interested party if he/she;

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

An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the following (Gambling Commission's Guidance to local authorities (paragraphs 6.33 and 6.34))

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

Gambling Commission's Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.34). All objections must be based on the licensing objectives.

The Gambling Commission has recommended that the licensing authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations (paragraph 8.16). However, this Authority will not generally view these bodies as interested parties unless they have a member who can be classed as such under the terms of the Gambling Act 2005. (i.e. lives sufficiently close to the premises and is likely to be affected by the application.)

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties. Apart from these exceptions this Authority will require written evidence that a person/body/advocate/relative) represents someone likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter of authorisation from one of these persons, requesting the

representative to speak on their behalf will be sufficient.

Councillors who are on the Licensing Committee dealing with the licence application will not be able to make representations. If there are any doubts then please contact The Licensing Team via [email](#) or by telephone 01732 227004.

#### **10. Exchange of Information**

Licensing Authorities are required to include in their Gambling Policy Statement the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information and the provision that the Data Protection Act 1998 (DPA) or the General Data Protection Regulations (GDPR) will not be contravened. The Licensing authority will have regard to any Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to General Data Protection Regulations (GDPR), which will be considered when deciding what information to share and the process for doing so. The Council is also a signatory to the Kent & Medway Information Sharing Agreement, which allows the sharing of information between Agencies for the purpose of the prevention and detection of crime and for public protection.

Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or a Subject Access Request.

#### **11. Enforcement**

This Licensing authority will act in accordance with the relevant legislation and guidance from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Compliance Code.

The purpose of this Licensing authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003. A copy can be requested from Sharon Bamborough, Head of the Licensing Partnership via [email](#) or by telephone 01732 227004.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing authority will endeavour to avoid duplication with other regulatory regimes so far as is possible.

This Licensing authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

Licensing authorities are required by regulation under the Gambling Act 2005, to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing authority's principles are that:

It will adopt the guidance for local authorities and it will endeavour to be:

a. Proportionate:

regulators should only intervene when necessary;  
remedies should be appropriate to the risk posed, and  
costs identified and minimised.

b. Accountable:

regulators must be able to justify decisions, and  
be subject to public scrutiny.

c. Consistent:

rules and standards must be joined up and  
implemented fairly;

d. Transparent:

regulators should be open, and keep regulations simple and user friendly;  
and

e. Targeted:

regulation should be focused on the problem, and minimise side effects.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district.

The Licensing authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.

The Licensing authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises licence. To achieve this, the Licensing authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections

will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

The main enforcement and compliance role for this Licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Concerns relating to manufacture, supply or repair of gaming machines, or concerns relating to on-line or remote gambling is part of the Commissions role.

## 11. Gambling Prevalence and Problem Gambling

Participation in gambling and rates of problem gambling published in April 2018 on the Gambling Commission website by NHS Digital showed that:

- f. 56% of people in England gambled in 2016
- g. 42% of people in England (excluding those who had only played National Lottery draws) gambled in 2016
- h. 0.7% of people in England identified as problem gamblers
- i. 1.2% of gamblers in England identified as problem gamblers
- j. 3.6% of people in England were at low or moderate risk of developing problems with their gambling
- k. 6.6% of gamblers in England are at low or moderate risk of developing problems with their gambling

Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling losses. However, the effects of problem gambling can cost more than money.

Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities.

There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes.

Problem gambling can be progressive in nature and problem gamblers can end up engaging

**Commented [JB2]:** This has been updated and again is updated regularly. The latest figures are at [Statistics on participation and problem gambling for the year to June 2021 - Gambling Commission](#) and you may wish to refer people to the Commission's website. If you want to view the latest figures, they are in the spreadsheet on this web page from Tab 5 onwards.

in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

<http://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Levels-of-problem-gambling-in-England.aspx>

Commented [JB3]: Inactive link

There are around 280,000 problem gamblers in England alone, according to a 2018 study by NHS Digital, although a YouGov survey earlier this year found there could be 1.4 million across the UK. (29 Oct 2020)

When respondents who had only taken part in National Lottery draws were excluded, the overall participation rate was down from 32% in 2019 to 28% in 2020. In other activities, there were decreases in participation in in-person football pools, bingo, betting on horse races, betting on other events and casino games. (25 Feb 2021)

## Appendix 1

Factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

### 1. Permits

#### ① Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines it may apply to the licensing authority for this permit.

The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

Sevenoaks District Council has considered and intends to require applicants to demonstrate:

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

It should be noted that a licensing authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 18(4)).

For initial applications, the licensing authority need not (but may) have regard to the licensing objectives but shall need to have regard to any Gambling Commission guidance.

The Gambling Commission's Guidance for local authorities states: “In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities may want to give weight to child protection issues.

The Gambling Commission's 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.

Statement of Principles: This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

**Commented [JB4]:** How? Will you ask for a DBS check? If so, perhaps mention this here.

**Commented [JB5]:** Why not?

An uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine

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

**(i) (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(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. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant*." This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from 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 under 18 year olds do not have access to the adult only gaming machines.

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

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

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 machine.

**Commented [JB6]:** What about the number of machines and whether there would be so many that the premises were, in your opinion, primarily being used for gambling, e.g. a small pub applies to have 15 gaming machines?

**(a) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, Sevenoaks District Council will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected 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. [These will also apply to UFEC permits]

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and
- An enhanced criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 that the permit holder must comply with but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

**Commented [JB7]:** This should probably be put in the section on UFEC Permits as well, because applicants will likely not read this section if they are only applying for a UFEC Permit.

**(M) Club Gaming and Club Machines Permits**

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

The Gambling Commission's Guidance for local authorities states: "Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, they must be permanent in nature, not established to make a commercial profit and must be controlled by their members equally unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A Members' Club must be permanent in nature and established and conducted for the benefit of its members and not a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.5)

The Licensing authority is aware that it may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the police.

The Licensing authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48 hour rule being applied for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?

- Is there a list of Committee members and evidence of their election by the club members?

When examining the club's constitution, the Licensing authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club).
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits

There is also a '**fast-track**' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, paragraph 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

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

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 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.

**Appendix 2****2. Premises licences****(i) Decision making - general:**

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

Any conditions attached to licences by the Licensing authority will be proportionate and will be:

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

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

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in a non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance and licence conditions and codes of practice .

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons less than 18 years of age.

These conditions will apply to premises including buildings where multiple premises licences are applicable. This does not apply to AGC or betting premises.

The licensing authority is aware that tracks may be subject to one or more than one premises licence provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

There are also conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes.

**(ii) "Premises":**

Premises is defined in the Act as "any place". It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities' states, it "will always be a question of fact in the circumstances". The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

Sevenoaks District Council will have regard to the Gambling Commission's guidance on the division of premises and access between premises.

This licensing authority takes particular note of the Guidance for local authorities which states that in considering applications for multiple licences for a building (split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that they are not permitted to be in close proximity to gambling. Therefore premises

should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and

- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of this guidance gives more information about provisional statements.

As the Court has held in a 2008 case<sup>19</sup>, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

### (iii) Location:

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

**(iv) Planning:**

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

**(v) Duplication:**

As stated in section nine on Enforcement, as per the Gambling Commission's Guidance for local authorities this licensing authority will seek to avoid duplication with other regulatory regimes so far as possible.

**(vi) Door Supervisors:**

The Gambling Commission's Guidance advises local authorities that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

This licensing authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises is licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

**(vii) Split Premises**

The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

In considering whether different areas of a building are genuinely separate premises the Licensing authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

When considering proposals to divide a building into separate premises, the Licensing authority will also need to be satisfied that the form of separation between the premises is appropriate.

The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.

It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

The Guidance at paragraph 7.22 states "There is no definition of 'direct access' in the Act or Regulations, but Licensing Authorities may consider that there should be an area

separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access."

It is the Licensing authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

The Licensing authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

Where the Licensing authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
- entrances and exits from parts of a building covered by one or more Premises licences are separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the Premises licence.

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

#### **(viii) Access to Premises**

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

'Direct access' is not defined, but the Licensing authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

#### Types of Premises and their access provisions

##### Casino

- The principal access to the premises must be from a 'street';
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.

##### Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises;

##### Betting Shop

- Access must be from a 'street' or from other premises with a betting licence;
- No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.

##### Track

- No customer must be able to access the premises directly from a casino or Adult Gaming Centre

##### Bingo Premises

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

##### Family Entertainment Centre

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

#### (ix) Licensing objectives:

This licensing authority has considered the Gambling Commission's Guidance to local authorities in respect of the licensing objectives.

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

***Ensuring that gambling is conducted in a fair and open way:***

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

#### (x) Reviews:

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant code of practice issued by the Gambling Commission;
- it is in accordance with any relevant guidance issued by the Gambling Commission;

- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

**(xi) Provisional Statements:**

This licensing authority notes the Gambling Commission's Guidance for the Gambling Commission which states 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." and that
- "Requiring the building to be complete ensures that the authority can inspect it fully".

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

**(xii) Adult Gaming Centres (AGC):**

This licensing authority particularly notes the Gambling Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The licensing authority in considering premises licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

**(xiii) (Licensed) Family Entertainment Centres (FECs):**

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

This licensing authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Since gaming machines provide opportunities for solitary play and for immediate pay outs, they are more likely to engender repetitive and excessive play. The licensing authority, in considering applications for FEC Premises licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours

- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

**(xiv) Tracks:**

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We shall have regard to this Guidance in the discharge of our functions.

**(xv) Casinos:**

This licensing authority will have regard to the Gambling Commission's guidance.

**(xvi) Bingo:**

This licensing authority will have regard to the Gambling Commission's guidance.

The licensing authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo is regularly played in any premises for which a Premises licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

**(xvii) Temporary Use Notices:**

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the licensing authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

**(xviii) Occasional Use Notices:**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

**(xix) Small Society Lotteries**

The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the

**Commented [JB8]:** This is something that is only dealt with by local authorities, and therefore we recommend you set out a procedure here for how you will approach this type of application. For example, would applicants have to provide a plan of the proposed track? Would you require them to demonstrate how they will supervise the track? Will you require them to demonstrate how they will ensure underage persons are not able to gamble? You may wish to look at policies from other Councils and see if they have covered tracks and what they ask for, or read our guidance at [Part 20: Tracks - Gambling Commission](#)

**Commented [JB9]:** How will you deal with representations? This should be set out in your SOP. Which Committee would hear them, what time limit will you allow, and who can make them? You should also set out in this section how the public can view lottery returns and where.

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

Non-commercial gaming is permitted if it takes place at a non-commercial event as either 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.

Charities and community groups should contact us via email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) to seek further clarification.

**(xx) Travelling Fairs:**

It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

**(xxi) Betting Premises**

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.

In determining applications for betting premises, the licensing authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers

- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

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

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.

Section 181 of the Gambling Act 2005 permits the Licensing authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a premises licence for a betting office. When considering whether to do so, the licensing authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The licensing authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

#### **Help with gambling related problems:**

A list of organisations where people may seek help will be available on the licensing website.

### Appendix 3

#### **Responsible Authorities:**

**Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:**

#### **Licensing Team**

Sevenoaks District Council

Council Offices

PO Box 182

Argyle Road

Sevenoaks

Kent TN13 1GP

Tel: 01732 227004

[Sevenoaks District Council email](#)

[Sevenoaks District Council website](#)

**Information can also be obtained from:**

#### **Gambling Commission**

Victoria Square House

Victoria Square

Birmingham B2 4BP

Tel: 0121 230 6666

[Gambling Commission email](#)

[Gambling Commission website](#)

#### **Local Planning Authority**

Sevenoaks District Council

Council Offices

Argyle Road

Sevenoaks

Kent TN13 1GP

Tel: 01732 227000

#### **Environmental Protection**

Sevenoaks District Council

Council Offices

Argyle Road

Sevenoaks

Kent TN13 1GP

Tel: 01732 227000

[Environmental Health email](#)

**Police Licensing and Drugs Officer**

Licensing Coordinator  
Community Safety Unit  
Tonbridge and Malling Borough Council  
Gibson Drive  
Kings Hill  
West Malling. ME19 4LZ  
[Police Licensing Coordinator email](#)

**Health and Safety**

Sevenoaks District Council  
Council Offices  
Argyle Road  
Sevenoaks  
Kent TN13 1GP  
Tel: 01732 227000

**Fire Safety –**

District Manager  
Kent Fire & Rescue Service  
West Kent Fire Safety Office  
424 Vale Road  
Tonbridge  
Kent TN9 1SW  
Tel: 01732 369429

**Kent Child Protection Committee**

Children's and Families KCC Social Service  
The Willows  
Hilda May Avenue  
Swanley  
Kent BR8 7BT

[Kent Child Protection website](#)

**HM Revenue & Customs**

HM Revenue and Customs  
Excise Processing Teams  
Gambling Duties  
BX9 1GL

Tel: 0300 200 3701

[HM Revenue & Customs email](#)  
[HM Revenue & Customs website](#)

**Appendix 4****List detailing who this authority consulted with:****List of Consultees**

Sevenoaks District Council website

District Councillors

Councillor's Members Room

Parish and Town Councils

Licensees/their agents of gambling premises

Neighbouring Authorities

**List of Consultees**

Sevenoaks District Council website

District Councillors

Councillor's Member Room

Parish and Town Councils

Licensees/their Agents of gambling premises

Neighbouring Authorities

Bodies designated under section 157 of the Act as 'Responsible Authorities'

Town Centre Forums, Partnerships and Managers

Person/ bodies representative of local residents

Person/ bodies representative of gambling businesses

Representatives of persons or business who hold premises licences

Organisations working with people who are problem gamblers

Representatives of health care organisations

Representatives of voluntary and community organisations working with children and young people

This list is not definitive. Residents associations will be sent copies on request.

**Appendix 5****Summary of machine provisions by premises**

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)		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)						
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)		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)						
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
<b>Betting premises and tracks occupied by pool betting</b>		Maximum of 4 machines categories B2 to D						
<b>Bingo premises</b>		Maximum of 8 machines in category B3 or B4				No limit on category C or D machines		
<b>Adult gaming centre</b>		Maximum of 4 machines in category B3 or B4				No limit on category C or D machines		
<b>Family entertainment centre</b> (with premises licence)						No limit on category C or D machines		
<b>Family entertainment centre</b> (with permit)						No limit on category D machines		
<b>Clubs or miners' welfare institute</b> (with permits)		Maximum of 3 machines in categories B3A or B4 to D*						
<b>Qualifying alcohol-licensed premises</b>						1 or 2 machines of category C or D automatic upon notification		
<b>Qualifying alcohol-licensed premises</b> (with gaming machine permit)						Number of category C D machines as specified on permit		
<b>Travelling fair</b>						No limit on category D machines		
	A	B1	B2	B3	B3A	B4	C	D

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.

**Appendix 6****Summary of licensing authority delegations permitted under the Gambling Act 2005**

Matter to be dealt with	Full Council	Sub-Committee of licensing committee	Officers
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee Setting (where appropriate)			x
Application for Premises licences		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a transfer for a licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice	x		

\*\*\*Council Logo\*\*\*

# STATEMENT OF PRINCIPLES FOR GAMBLING

UNDER THE  
**SECTION 349 OF THE GAMBLING ACT 2005**

EFFECTIVE 1 FEBRUARY 2019-31 JANUARY 2022

**\*\*\* Council Name Statement of Principles for Gambling  
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## Foreword

### **\*\*Council name\*\* Statement of Principles for Gambling**

I am pleased to present to you the fifth edition of \*\*\* Council's Statement of Principles for Gambling under the Gambling Act 2005. This edition has been comprehensively revised to reflect clearly the expectations of \*\*\* Council in its role as a Licensing Authority.

We are required under the Gambling Act 2005 to produce a new policy on our approach to premises used for gambling every three years.

This Statement of Principles endeavours to carefully balance the interests of those who provide facilities for gambling and people who live, work in, and visit \*\*\*. Its focus is to aim to permit gambling, as required by section 153 of the Gambling Act 2005, in so far as it is (a) in accordance with the Gambling Commission's Licence Conditions and Codes of Practice; (b) in accordance with the Gambling Commission's Guidance to Licensing Authorities that is in effect at the time the application is considered; (c) reasonably consistent with the licensing objectives and (d) in accordance with this Statement of Principles. The three licensing objectives are:

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

The Cabinet Member for \*\*\* would like to thank the Licensing Committee and, in particular, \*\*\*any other parties\*\*\*, for their part in, and contribution towards, the formulation of this policy and also for their hard work in presiding over cases that come before Licensing Sub-Committees (delete if required)

(Insert Cabinet and Chair of Licensing Committee's photos if required)

**Councillor \*\*\***  
**Relevant Cabinet Member**

**Councillor \*\*\***  
**Chair of Licensing Committee**

## Chapter One

### Introduction and Overview

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

### Definitions Used in this Policy

**'the Act'** means the Gambling Act 2005

**'the Council'** means the Council of the **Council Name**

**'the Commission'** means the Gambling Commission established under the Gambling Act of 2005

**'the Guidance'** means the Guidance to Licensing Authorities published by the Gambling Commission

**'Licensing Authority'** means the Council of the **Council Name**

**'Licensing Committee'** refers to the Committee of the **Council Name** to consider licensing matters

**'licensable activities'** means those activities that are required to be licensed by the Council under the Gambling Act 2005

**'Licensing Sub Committee'** refers to a Sub Committee of the Licensing Committee to consider licence applications

**'relevant representations'** means a representation conforming to the legal requirements of the Licensing Act 2003

**'Regulations'** refers to Regulations under the Licensing Act 2003 issued by the Secretary of State

**'responsible authority'** means the bodies designated under the Gambling Act 2005 and described in the Introduction to this Statement of Principles

**'the Statement'** refers to this Statement of Principles for Gambling

### Introduction

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

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

## Responsible Authorities

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

The principles are:

- the need for the body to be responsible for an area covering the whole of the Council's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

11. The Council designates **insert name of relevant body** to advise on the protection of children from harm under the Gambling Act 2005.

12. The full list of Responsible Authorities for **insert Council name** are as follows:

**Insert Police Service Contact, address and email**

**Insert Fire Service Contact, address and email**

**Insert EH (Noise) contact, address and email**

**Insert Licensing Authority/Enforcement contact, address and email**

**Insert Planning Authority contact, address and email**

**Insert relevant body for protection of children's contact, address and email**

**The Gambling Commission**

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

**HM Revenue and Customers**

Excise Processing Teams  
Gambling Duties  
BX9 1GL  
[nrubaetting&gaming@hmrc.gsi.gov.uk](mailto:nrubaetting&gaming@hmrc.gsi.gov.uk)

## Interested Parties

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

interested person will be required so long as they represent the area likely to be affected.

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

**Commented [JB1]:** You may wish to edit this to suit your own requirements

### Geographical Area Covered by this Statement of Principles

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

### List of Bodies Consulted on this Statement of Principles

British Amusement Catering Trade Association (BACTA)

Association of British Bookmakers

Gamble Aware

The Gambling Commission

List all responsible authorities consulted

Any BID's in the Council's area

Insert your Council's Public Health Department

Operators of Betting Premises in \*\*\* Council

Operators of Adult Gaming Centres in \*\*\* Council

Operators of Family Entertainment Centres in \*\*\* Council

Operators of Bingo Premises in \*\*\* Council

Holders of Gaming Machine Permits in \*\*\* Council

Holders of Club Gaming Permits in \*\*\* Council

Holders of Club Machine Permits in \*\*\* Council

\*\*\* Council Ward Members

Think also about consulting any other relevant parties for your Council – include

Operators of Casino Premises and any other people you think may want to comment

### Exchange of Information

21. The Council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission.

22. Section 29 of the Gambling Act 2005 enables the Gambling Commission to require information from Licensing Authorities (including the manner in which it is compiled, collated and the form in which it is provided), provided that it:

- forms part of a register maintained under the Gambling Act 2005;
- is in the possession of the Licensing Authority in connection with a provision under the Gambling Act 2005.

23. Section 350 of the Gambling Act 2005 allows Licensing Authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. These persons or bodies are:

- A constable or Police force
  - An enforcement officer
  - A Licensing Authority
  - HMRC
  - The First Tier Tribunal
  - The Secretary of State
  - Scottish Ministers
24. Information requests from such parties should be made to the Licensing Authority in writing, setting out clearly what information is required and the reason the information is required. The requirements of the Data Protection Act 1998 will be complied with. **Freedom of Information requests can be submitted online at: \*\*\***
- Commented [JB2]: Tell people how to make an FOI request here**
25. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to local authorities as well as any relevant regulations issued by the Secretary of State under the powers provided for in the Act.
- Enforcement**
26. The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to business to achieve compliance.
27. Inspections will be carried out on a risk rated basis. New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district.
- Commented [JB3]: You need to read this section and update it according to your own Enforcement Policy, however it is suggested you consider using the wording in para 27 as this is generally how you would risk assess gambling premises – tweaked if necessary to include other factors you may consider relevant**
28. Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include project work, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach to managing the gambling industry is to prevent problems from occurring before they begin.
29. However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to the Licensing Authority:
- verbal or written advice

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

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

Commented [JB5]: Change anything required here

## The Council's Functions

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

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

### Duplication with Other Regulatory Regimes

41. The Licensing Authority will seek to avoid duplication with other statutory and regulatory regimes where possible, including planning. The Licensing Authority will not consider planning permission or building regulations approval when making decisions under the Gambling Act. Nor will it regard the granting of a licence, permit or permission as fettering the Council's ability to consider planning applications independently on their planning merits.
42. Applicants should be aware that the granting of a Premises Licence does not permit the operator to provide gambling facilities where to do so would breach other legislative requirements such as the requirement for appropriate planning consent to be held. It is the operator's responsibility to ensure all relevant legal requirements are met and to seek their own independent legal advice.

### Gambling Prevalence and Problem Gambling

43. You may wish to insert some information here from the Gambling Commission's Industry Statistics (available on the GC website) about the prevalence of problem gambling and the national picture of how people gamble.

**Commented [JB6]:** You may want to speak to your own Public Health Team and find out whether they have concerns about problem gambling or have any stats available you can include here

44. Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling losses. However, the effects of problem gambling can cost more than money. Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities. There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes. Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

**Commented [JB7]:** This wording was from the former Gamcare – you may remove this or make changes to it.

## Chapter Two

### Welcome to the \*\*\* Council

This section gives a description of the \*\*\* Council

#### General Description

45. \*\*\* Council covers an area of \*\*\* square kilometres (include description of where the district boundaries are).
46. \*\*\* Council has a thriving, vibrant multi-cultural community with a population of \*\*\* residents. Commented [J88]: Or whatever kind of area it is
47. Give a brief description of the demographics of your district, e.g. age, ethnic breakdown
48. \*\*\* Council is comprised of \*\* wards. Say something about the area's features, like the fact that is home to particular shopping districts, sports stadia, parks and open spaces and so on.
49. Say something about the transport links.
50. Say something about any areas of social deprivation, or areas with a high crime rate, which might be relevant to applicants.
51. Give details of any unemployment statistics.
52. Try to describe which areas are more affluent and have lower crime rates if you can. Think about whether you can describe the crime profile for your district – e.g. what types of crime are most prevalent.
53. If you have any statistics about problem gambling or relevant information from Public Health, you may wish to mention it here.

## Chapter Three

### Licensing Objectives and Local Area Risk Assessments

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

### Risk Assessment

57. The Licensing Authority expects applicants to have a good understanding of the area in which they either operate, or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this Statement of Principles and demonstrate that in operating the premises they will promote the licensing objectives.
58. The Gambling Commission introduced a Social Responsibility Code of Practice requiring operators of premises used for gambling to conduct local area risk assessments and an Ordinary Code stating this should be shared with the Licensing Authority in certain circumstances in May 2016.
59. The Licensing Authority expects applicants for Premises Licences in its area to submit a risk assessment with their application when applying for a new premises licence, when applying for a variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.
60. The risk assessment should demonstrate the applicant has considered, as a minimum:
  - local crime statistics;
  - any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;

- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- the type of gambling product or facility offered;
- the layout of the premises;
- the external presentation of the premises;
- the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- the customer profile of the premises;
- staffing levels;
- staff training, knowledge and experience;
- whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

**Commented [JB9]:** Amend this to whatever you expect to see in the LARA

61. It is recommended that operators liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.
62. This Statement of Principles does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.
63. The Licensing Authority expects applicants to keep a copy of the local area risk assessment on the licensed premises and to ensure that all staff have seen the risk assessment, have received training in respect of its content, and are able to produce the risk assessment on request by an authorised officer of the Council, the Police or the Gambling Commission.

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

64. The Licensing Authority will consider whether the premises make, or are likely to make, a contribution to the levels of crime and disorder in an area and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.
65. Where an area is known for high levels of crime (particularly crime associated with premises used for gambling), the Licensing Authority will consider whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.

66. In terms of disorder, the Guidance to Licensing Authorities published by the Gambling Commission states, "Licensing Authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether Police assistance was required and how threatening the behaviour was to those who could hear or see it. There is not a clear line between nuisance and disorder and the Licensing Authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor".
67. The Licensing Authority will consider whether the layout, lighting, staffing and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
68. The Licensing Authority will consider whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

**Commented [JB10]:** This is a guide but you should tailor it to your own requirements

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

69. Though this licensing objective is primarily the responsibility of the Gambling Commission, the Licensing Authority will have a role in respect of the licensing of tracks, where an Operator's Licence from the Gambling Commission is not required. Matters to be taken into account will include:
- whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
  - whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
  - whether the management and operation of the premises is open and transparent.
  - whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
  - whether the operator has a transparent procedure in place for dealing with consumer complaints that are available to all customers and implemented where necessary.
  - whether gaming machines are compliant with Gambling Commission Technical Standards in respect of machine livery requirements such as clear display of stakes, prizes, machine category and RTP.
  - whether the terms and conditions on which gambling products and promotions are offered and rules are clear and readily available to customers.
  - whether the Gambling Commission's Licence Conditions and Codes of Practice have been complied with.

**Commented [JB11]:** Again, this is a guide only and you should amend to your own requirements

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

70. The Licensing Authority will consider the following when taking this licensing objective into account:

- whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
- if the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme such as Think 21 to ensure no one under the age of 18 is admitted to the premises or restricted areas;
- whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
- whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
- whether any promotional material associated with the premises could encourage the use of the premises by children or young people;
- whether the operator can produce a record of underage challenges and action taken to establish age and prevent underage persons from being able to gamble;
- whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems.

71. The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance define the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to include people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, changes in circumstances such as bereavement, loss of employment or ill health or due to alcohol or drugs.

**Commented [JB12]:** Guidelines only – amend to suit your own requirements

**Commented [JB13R12]:** Can include info/suggestions from Public Health

## Chapter Four Premises Licences

72. Any person or business that wishes to offer gambling for which an Operating Licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a Premises Licence.
73. Premises Licences can authorise the provision of facilities on:
  - (a) casino premises,
  - (b) bingo premises,
  - (c) betting premises including tracks and premises used by betting intermediaries,
  - (d) adult gaming centre premises, or
  - (e) family entertainment centres.
74. Matters the Licensing Authority may not take into account include:
  - the expected demand for gambling premises in the area;
  - planning or building law restrictions;
  - moral or ethical objections to gambling as an activity;
  - dislike of gambling;
  - a general notion that gambling is undesirable.
75. All licences will be subject to mandatory and/or default conditions and conditions imposed by the Licensing Authority. The Licensing Authority may consider that conditions other than the mandatory or default conditions are necessary to ensure the premises are reasonably consistent with the licensing objectives, the Gambling Commission's Codes of Practice and this Statement of Principles.
76. The Licensing Authority will take decisions in accordance with the Gambling Commission's Guidance and Licence Conditions and Codes of Practice and will have regard to the advice which it issues from time to time. The Licensing Authority will monitor the operation of premises and report any potential breach of Operating Licence conditions to the Gambling Commission. Applicants for new Premises Licences or variations to existing ones should be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting Premises Licence application that has four gaming machines but no betting counter or associated betting facilities shown on the proposed plans would not be considered as offering the primary gambling activity in accordance with that indicated on the application.
77. The majority of Premises Licences will have mandatory and/or default conditions attached to the licence. The Licensing Authority can attach its own conditions to a Premises Licence if it believes this will promote the licensing objectives. Any conditions attached will be:

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

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

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

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

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

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

### Split Premises

80. The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises Licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.
81. The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.
82. Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

83. In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- whether there are separate registrations for business rates in place for each premises;
  - whether separate sets of staff work in the individual premises;
  - whether there is a separate cash desk/reception for each of the premises;
  - whether each premises has its own postal address;
  - whether the premises are owned or operated by the same person;
  - whether each of the premises can be accessed from a street or public passageway;
  - whether the premises can only be accessed from any other gambling premises.
84. When considering proposals to divide a building into separate premises, the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
85. The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.
86. It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.
87. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.
88. The Guidance at paragraph 7.22 states "There is no definition of 'direct access' in the Act or Regulations, but Licensing Authorities may consider that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access."
89. It is the Licensing Authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
90. The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are

**Commented [JB14]:** Change to suit your requirements, but these are useful pointers

separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

91. Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area;
- entrances and exits from parts of a building covered by one or more Premises Licences are separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the Premises Licence.

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

**Commented [JB15]:** Again, amend to suit your requirements

## Access to Premises

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

Type of Premises	Access Provisions
Casino	<ul style="list-style-type: none"> <li>• The principal access to the premises must be from a 'street';</li> <li>• No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;</li> <li>• No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.</li> </ul>

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

## Plans

94. The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:
- the extent of the boundary or perimeter of the premises
  - where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
  - where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
  - where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises
  - the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.
95. The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives at tracks, Gambling Commission Guidance, Codes of Practice or its own Statement of

Principles. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to discharge its duties effectively. Information shown on the plan that is not required by Regulations will not form part of the Premises Licence and will only be used by the Licensing Authority to help it make a considered decision on the application.

96. If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

### General Requirements for All Premises

97. The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons, persons gambling beyond limits they have set for themselves, person who may be involved in crime, persons who may be prone to anti-social behaviour, persons who are drinking alcohol where this is prohibited and persons who are showing signs of distress in respect of their gambling.
98. Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
99. Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
100. Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.
101. Where access to premises is age restricted, the Licensing Authority expects applicants to have a Think 21 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.
102. Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been

barred by the operator, and any instances of crime or disorder that occurs on, or in association with, the licensed premises.

103. Applicants should demonstrate how they will identify self-excluded persons.
104. Where applicable, operators shall be able to demonstrate they are participating effectively in the relevant multi-operator self-exclusion scheme.

**Commented [JB16]:** These are all suggestions which you may wish to amend

## Casinos

105. If you have casinos or permission for casinos, insert any casino specific requirements here or otherwise state you do not have permission for any casinos to be located in your district.
106. In determining applications for casino premises, the Licensing Authority shall consider the following:
  - proof of age schemes
  - CCTV
  - entry control system
  - staff numbers
  - staff training
  - layout of premises
  - supervision of entrances/machine areas/gaming tables
  - notices/ signage
  - opening hours
  - provision of responsible gambling information
  - identification of customers

**Commented [JB17]:** Amend or delete entire section if no casinos

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

## Bingo

107. This policy applies to applications for a Bingo Premises Licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo Premises Licence will be able to offer bingo in all its forms.
108. Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any Category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.
109. The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over.

Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

**Commented [JB18]:** Suggestion only – amend to suit

110. To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.
111. In determining applications for bingo premises, the Licensing Authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- supervision of entrances/ machine areas
- whether children are permitted on the premises and, if so, how the operator intends to prevent them from playing bingo or being able to access adult only machine areas
- notices/ signage
- opening hours
- the times and frequency of which bingo is offered
- whether bingo is offered by a caller or only electronically
- whether the premises are clearly identifiable as being licensed for the purposes of offering bingo facilities
- provision of responsible gambling information

**Commented [JB19]:** This is a suggestion as there are some new forms of bingo around currently and there is also a GC requirement in s.9 of the Licence Conditions and Codes of Practice. However you should run this by your Legal Team to ensure this wording is appropriate as it may be disputed by gambling lawyers!

**Commented [JB20]:** Amend if required

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

112. Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.
113. Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff.

### Betting Premises

114. This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

115. The Licensing Authority must be satisfied that the primary use of the premises is to operate as betting premises. The applicant will be expected to demonstrate they are offering sufficient facilities for betting or otherwise should not make gaming machines available on the premises.
116. In determining applications for betting premises, the Licensing Authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

**Commented [JB21]:** Amend if required

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

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

**Commented [JB22]:** You can leave this in or delete it. The idea is to ensure people betting on SSBT's can be monitored and also to ensure a betting licence is not obtained where the shop is comprised only of SSBT's with no counter betting – this has been done in some areas to make use of the gaming machine entitlement

Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

### Betting Tracks and Other Sporting Venues

121. Tracks include premises where a race or other sporting event takes place, or is intended to take place. These may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. The Gambling Commission Guidance identifies that operators of track betting premises will not necessarily hold an Operating Licence issued by the Commission. The Licensing Authority will have particular regard to proposals and measures to ensure the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.
122. Examples of tracks include:
  - Horse racecourses
  - Greyhound tracks
  - Point to point meetings
  - Football, cricket and rugby grounds
  - Athletics stadia
  - Golf courses
  - Venues hosting darts, bowls or snooker tournaments
  - Premises staging boxing matches
  - Sections of river hosting fishing competitions
  - Motor racing events
123. The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.
124. The possibility of multiple licences at tracks is noted in Part 20 of the Gambling Commission Guidance. The Licensing Authority will expect the applicant for a Premises Licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but are still prevented

from entering areas where gaming machines (other than Category D machines) are provided. Children and young persons are not prohibited from playing Category D machines on a track.

125. In determining applications for betting at tracks, consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- proof of age schemes such as Think 21
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- provision of responsible gambling information
- provision of policies and procedures in relation to social responsibility measures as set out below
- staffing levels
- staff training and records of staff training
- recording of incidents such as underage challenges, customer interactions for problem gambling, self-exclusions and complaints and disputes relating to gambling
- details of action to be taken where an on course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

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

126. Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.
127. A track Premises Licence does not in itself entitle the holder to provide gaming machines. However, by virtue of section 172(9) of the Act, track owners who hold both a track Premises Licence AND a pool betting Operating Licence issued by the Gambling Commission (this currently only applies to greyhound tracks) may provide up to four Category B2 to D gaming machines on the track.
128. The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track Premises Licences will need to demonstrate that, where the applicant holds or seeks a pool betting Operating Licence and is going to use their full entitlement to gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.

129. The Licensing Authority will expect applicants to include detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, and any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence. Any such plans must also contain the information prescribed by regulations.
130. In respect of staff training, the Licensing Authority would expect staff involved with the provision of gambling facilities at the track to be trained in social responsibility measures including, but not limited to, age verification, problem gambling indicators and action to be taken, self-exclusion, complaints procedures and money laundering indicators and action to be taken. Records of such training should be retained by the track management showing the subjects the staff member was trained in and the date training took place. These should be signed off by the staff member and training should be refreshed at least annually.
131. The Licensing Authority expects track operators to have policies and procedures in place to deal with age verification, self-exclusion, money laundering, complaints and disputes and problem gambling as a minimum and to ensure that all staff involved in the provision of gambling facilities are aware of these policies and procedures and have been trained in their implementation.
132. The Licensing Authority expects track management to ensure appropriate problem gambling information is provided commensurate to the size and layout of the premises. This should be in the form of posters and also leaflets which a customer can take away. Leaflets should be provided in areas where they can be taken away discreetly by the customer.
133. Section 152 of the Act permits tracks to be the subject of multiple Premises Licences.
134. Access between premises licensed for gambling and non-gambling areas will be considered carefully by the Licensing Authority for the following reasons:
- To prevent operators from attempting to circumvent the Act by artificially sub-dividing premises and securing separate Premises Licences for its composite parts;
  - To ensure operators do not circumvent the regulations governing the maximum number of gaming machines that may be provided at specific premises;
  - To ensure people who have entered premises to take part in one form of gambling are not exposed to another form of gambling;
  - To ensure there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
  - To ensure all gambling premises have publicly accessible entrances;

- To ensure gambling premises are not developed in 'back rooms' of other commercial premises.

**Commented [JB23]:** These are all suggestions but you should tailor them for your own requirements

## Adult Gaming Centres (AGC's)

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

**Commented [JB24]:** Insert your own requirements

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

## Family Entertainment Centres (FEC's)

138. Generally, FEC's must be operated by a person or body having an Operating Licence from the Gambling Commission. Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission Operator's Licence or Premises Licence from the Licensing Authority, but do need to have

a gaming machine permit as set out in the section on Permits. Unlicensed Family Entertainment Centres may only be used to provide Category D gaming machines.

139. Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

140. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:

- CCTV
- supervision of entrances/ machine areas
- physical separation of areas for Category C machines
- location of entry
- notices/ signage
- opening hours
- staffing levels
- staff training
- self-exclusion schemes
- provision of problem gambling information
- measures and training for dealing with children on the premises suspected of truanting.

Commented [JB25]: Insert your own requirements

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

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

### Door Supervisors

142. The Gambling Commission Guidance advises that Licensing Authorities may consider whether there is a need for door supervision in terms of the licensing

objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. Door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do however have to be SIA registered.

143. For betting offices and other premises, the operator and/or the Licensing Authority may decide that supervision of entrances or machines is appropriate in particular cases. The Licensing Authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised by counter staff or that problem customers cannot be dealt with effectively by counter staff alone and that door supervision is both necessary and proportionate.

### Provisional Statements

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

### Reviews

145. Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
  - any relevant Code of Practice issued by the Gambling Commission;
  - any relevant guidance issued by the Gambling Commission;
  - the licensing objectives;
  - this Statement of Principles.
146. The Licensing Authority may reject an application for review if it thinks the grounds on which the review is sought:
  - a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the Licensing Authority's statement of principles;

- b) are frivolous;
  - c) are vexatious;
  - d) 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the Premises Licence;
  - e) are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
  - f) are substantially the same as representations made at the time the application for the Premises Licence was considered. While the Licensing Authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the Premises Licence.
147. General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.
148. The Licensing Authority can initiate a review of a particular Premises Licence, or any particular class of Premises Licence, for any reason it believes is appropriate. This includes reviewing a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
149. The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe the Premises Licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
150. A responsible authority or interested party may apply to the Licensing Authority to review a Premises Licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at premises that could have been prevented if advice and guidance from a responsible authority had been heeded, or if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
151. As a review of a Premises Licence can lead to its revocation, the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

## Chapter Five

### Travelling Fairs and Permits

#### Travelling Fairs

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

#### Permits

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

The Licensing Authority is responsible for issuing the following permits:

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

## Unlicensed family entertainment centre gaming machine permits

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

**Commented [JB26]:** This should make clear that incorrectly granted uFEC permits will not be renewed, although you are advised to discuss with your Legal Team

Disclosure and Barring Service (DBS) check dated within the last three months with their application.

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

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

**Commented [JB27]:** Guidelines only – insert your own requirements. You decide how to address applications for uFEC permits and there is no statutory form

### Automatic entitlement to two gaming machines

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

provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);

- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

### Permit for three or more gaming machines

171. This policy applies to alcohol licensed premises that propose to have three or more gaming machines. Licensed premises wishing to have three or more gaming machines of Category C or D must apply to the Licensing Authority for a permit. This permit will replace the automatic entitlement to two gaming machines rather than be in addition to it and the holder must comply with the relevant Gambling Commission Code of Practice.
172. As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to:
  - the need to protect children and vulnerable people from harm or being exploited by gambling;
  - measures taken by the applicant to satisfy the Licensing Authority that there are sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines;
  - whether the applicant has an effective policy in place for handling customer complaints or disputes about the gaming machines.

Commented [JB28]: Guideline – insert own requirements
173. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
  - the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18 and look for signs of problem gambling, attempts to cheat the machine, or suspected money laundering;
  - notices and signage;
  - the provision of information leaflets or helpline numbers for organisations who can assist with problem gambling.

Commented [JB29]: Insert own requirements
174. If the Licensing Authority is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, it may refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.

175. The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:
- it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
  - gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
  - the premises are mainly used or to be used for making gaming machines available, or,
  - an offence under the Gambling Act 2005 has been committed on the premises.
176. Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.
177. When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.

### Prize Gaming Permits

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

unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

183. There are conditions in the Act with which the permit holder must comply, though the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

### Club Gaming and Club Machine Permits

184. Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs such as snooker clubs run on a profit basis may apply for a club machine permit. Each type of permit allows the provision of different types of gaming and provision of gaming machines. The current entitlements can be found by visiting the Gambling Commission's website ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

185. A commercial club is defined as a club where membership is required but the club is operated for commercial gain.
186. A non-commercial club is a club where no commercial gain is made. A non-commercial club must meet the following criteria to be considered a members' club:

- it must have at least 25 members;
- it must be established and conducted wholly or mainly for purposes other than gaming (with the exception of bridge or whist);
- it must be permanent in nature;
- it must not be established to make a commercial profit;
- it must be controlled by its members equally.

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

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

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant's premises are used wholly or mainly by children and/or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Gambling Commission or the Police.
188. There is also a "fast-track" procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:
- (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
189. There are statutory conditions on club gaming permits that no child may use a Category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.
190. The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:
- is the primary activity of the club something other than gaming?
  - are the club's profits retained solely for the benefit of the club's members?
  - are there 25 or more members?
  - are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
  - do members participate in the activities of the club via the internet?
  - do guest arrangements link each guest to a member?
  - is the 48 hour rule being applying for membership and being granted admission being adhered to?
  - are there annual club accounts available for more than one year?
  - how is the club advertised and listed in directories and on the internet?
  - are children permitted in the club?

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

## Chapter Six Notices

### Temporary Use Notices

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

### Occasional Use Notices

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

## Chapter Seven

### Small Society Lotteries

198. The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

#### Definition of lottery

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

200. An arrangement is a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance.

201. An arrangement is a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance.

#### Definition of society

202. A ‘society’ is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted. Section 19 of the Gambling Act 2005 defines a society as such if it is established and conducted:

- for charitable purposes, as defined in s.2 of the Charities Act 2006
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

203. It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

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

### External Lottery Managers

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

### Lottery Tickets

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

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

#### Where tickets may be sold

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

#### Prizes

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

#### Small society registration

215. The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a Licensing Authority. Parts 4 and 5 of Schedule 11 of the Act set out the requirements on both societies and Licensing Authorities with respect to the registration of small society lotteries.
216. The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located.
217. Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess

the application. This information shall include a copy of the society's terms and conditions and their constitution to establish that they are a non-commercial society.

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

### Refusal of registration

222. The Licensing Authority may propose to refuse an application for any of the following reasons:
  - An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years. The Commission will be able to advise the details of people and organisations that have been refused an operating licence or have had an operating licence revoked in the past five years. Licensing Authorities should consult the Commission as part of their consideration process.
  - The society in question cannot be deemed non-commercial.
  - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act.
  - Information provided in or with the application for registration is found to be false or misleading.
223. The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. The Licensing Authority shall inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

224. Insert the procedure for handling representations, which will be the same as how the LA handles representations for other gambling matters – e.g. time limits and then which Committee it will be heard by.

#### Revocation of a small society's registered status

225. The Licensing Authority may revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.  
**State how representations will be handled as above.**

#### Administration and returns

226. The Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.
227. The limits are as follows:
- at least 20% of the lottery proceeds must be applied to the purposes of the society (Schedule 11, paragraph 33)
  - no single prize may be worth more than £25,000 (Schedule 11, paragraph 34)
  - rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (Schedule 11, paragraph 35)
  - every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed (Schedule 11, paragraph 37).
228. Paragraph 39 of Schedule 11 in the Act sets out the information that the promoting society of a small society lottery must send as returns to the Licensing Authority with which it is registered, following each lottery held. This information allows Licensing Authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose. The following information must be submitted:
- the arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
  - the total proceeds of the lottery
  - the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
  - the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery

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

## Appendix One Consultation

A public consultation was carried out in respect of this Statement of Principles from (insert dates of consultation). As well as sending consultation letters and emails directly to the parties mentioned in the Introduction and Overview, a public notice was displayed at the Council offices at (insert locations where notice displayed – should at least be ‘main’ building e.g. Town Hall or Civic Centre, but ideally should be at any buildings used frequently by the public) for the duration of the consultation and an advertisement of the consultation was published in (insert name of local newspaper) on (insert date published).

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

Summarise the questions you asked and the responses here.

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

\*\*\*\*

This Statement of Principles was considered by the Council's Licensing Sub Committee on \*\*\*, by the Cabinet on \*\*\* and approved by Full Council on \*\*\*.

A notice was published on the Council's website and at the (insert name of the Council buildings used, e.g. Town Hall, Civic Centre) on \*\*\*\* stating where the Statement of Principles could be inspected (including the internet address), the date the Statement of Principles would be published, and the date it would take effect.

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

Paste photo of the Council's area here

DRAFT

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

Insert name and address of Licensing Service

Phone: \*\*\*\*

Email: \*\*\*\*

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# **Sevenoaks District Council**

## **Gambling Act 2005 Statement of Licensing Principles**

## **Gambling Policy 31 January 2022 – 30 January 2025**

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## 1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:

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

Sevenoaks District Council as the Licensing authority for the Sevenoaks District will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

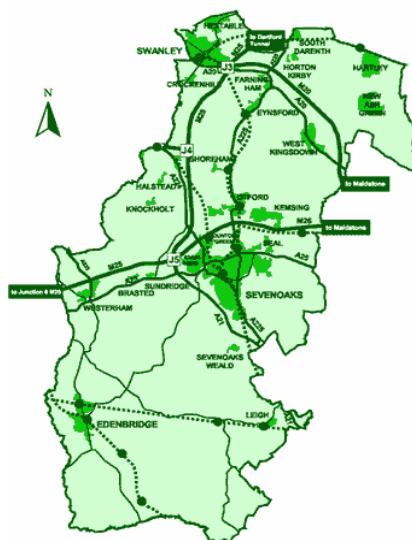
### Principles to be applied - Section 153

(1) In exercising its functions a licensing authority will only permit the use of premises for gambling:

- a) in accordance with any relevant code of practice under section 24;
- b) in accordance with any relevant guidance issued by the Commission under section 25;
- c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b));
- d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

(2) In determining whether to grant a Premises licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.

(3) Any objection to an application for a Premises licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective of prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.



## 2. Introduction

Sevenoaks District Council is situated in the County of Kent. Kent contains 12 Borough and District Councils with 1 Unitary Authority.

The Sevenoaks District Council area covers 142 square miles and has an estimated population of 110,000. The area is mainly rural with 4 main towns comprising Sevenoaks, Swanley, Edenbridge and Westerham. The Sevenoaks District Council Area

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy statement setting out the principles that they propose to apply when exercising their functions. This statement may be reviewed from time to time but must be republished at least every three years.

In determining its policy the Licensing authority must have regard to Gambling Commission guidance and give appropriate weight to the views of those who respond to its consultation.

The Authority will consult widely on the Gambling Policy statement before being finalised and published.

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

- the chief officer of police for the authority's area;
- one or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The persons consulted when preparing this Policy statement was deliberately wide. A list of those persons consulted is attached at appendix 4.

The consultation for the policy took place between 9<sup>th</sup> September 2021 and 20<sup>th</sup> October 2021. The Authority has followed the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The full list of comments made and the consideration by the Authority of those will be

available upon request to: The Licensing Team via [email](#) or by telephone 01732 227004.

The policy is published on [Sevenoaks District Council's website](#).

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

### 3. Declaration

In producing the final licensing policy statement, this Licensing authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

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

### 4. Casinos

**Proposal for a casino** - This Licensing authority did submit a proposal to the Independent Casinos Advisory Panel within the Sevenoaks District Council area. However, it was not successful.

**No Casinos resolution** – This Licensing authority has not passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005, and is aware that it has the power to do so. Should this Licensing authority decide to pass such a resolution, it will update this policy statement with details of that resolution.

### 5. Functions

**The following functions are dealt with by the Licensing Authority –**

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds

- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section 8 on ‘information exchange’)
- Maintain registers of the permits and licences that are issued under these functions

**The following functions are dealt with by the Gambling Commission –**

- Issue and renewal of Operating Licences
- Review Operating Licences
- Issue Personal Licences
- Issue Codes of Practice
- Issue Guidance to Licensing Authorities
- Licence remote gambling through Operating Licences
- Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines

**The following functions are dealt with by the Gambling Appeals Tribunal –**

- Deal with appeals against Commission decision

The Licensing authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

## **6. Operators**

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for up to ten different types of gambling activity and a separate licence is needed for both remote and non-remote gambling of the same types.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a Licensing authority area is required to apply for a premises licence that is specific to the particular premises.

Operators are required to comply with conditions attached to both their operator and individual premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission’s Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

The Licence Conditions and Codes of Practice (LCCP) were updated in April 2018, and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them.

Licensees are required to take into account the Licensing authority’s statement of principles in developing their risk assessments.

## 7. Risk Assessments

Gambling operators are required to undertake a risk assessment for all their existing premises from 6<sup>th</sup> April 2016. In undertaking their risk assessments, they must take into account relevant matters identified in the Licensing authority's Statement of Policy. The Licensing authority expects applicants for Premises licences in its area to submit a risk assessment with their application when applying for a new or variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.

The risk assessment should demonstrate the applicant has considered, as a minimum:

- a. local crime statistics;
- b. any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;
- c. the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- d. whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- e. the type of gambling product or facility offered;
- f. the layout of the premises;
- g. the external presentation of the premises;
- h. the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- i. the customer profile of the premises;
- j. staffing levels;
- k. staff training, knowledge and experience;
- l. whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

The licensing authority expects a copy of the risk assessment to be held at each premises so that it can be inspected by officials and staff alike.

## 8. Responsible Authorities

In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area and

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Gambling Commission's Guidance for local authorities this authority designates the following for this purpose:

Children's and Families - KCC Social Service

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3.

## 9. Interested parties

The Licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

Section 158 of the Gambling Act 2005 says a person is an interested party if he/she;

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

An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the following (Gambling Commission's Guidance to local authorities (paragraphs 6.33 and 6.34))

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

Gambling Commission's Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.34). All objections must be based on the licensing objectives.

The Gambling Commission has recommended that the licensing authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations (paragraph 8.16). However, this Authority will not generally view these bodies as interested parties unless they have a member who can be classed as such under the terms of the Gambling Act 2005. (i.e. lives sufficiently close to the premises and is likely to be affected by the application.)

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties. Apart from these exceptions this Authority will require written evidence that a person/body/advocate/relative) represents someone likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter of authorisation from one of these persons, requesting the

representative to speak on their behalf will be sufficient.

Councillors who are on the Licensing Committee dealing with the licence application will not be able to make representations. If there are any doubts then please contact The Licensing Team via [email](#) or by telephone 01732 227004.

## 10. Exchange of Information

Licensing Authorities are required to include in their Gambling Policy Statement the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information and the provision that the Data Protection Act 1998 (DPA) or the General Data Protection Regulations (GDPR) will not be contravened. The Licensing authority will have regard to any Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to General Data Protection Regulations (GDPR), which will be considered when deciding what information to share and the process for doing so. The Council is also a signatory to the Kent & Medway Information Sharing Agreement, which allows the sharing of information between Agencies for the purpose of the preventions and detection of crime and for public protection.

Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or a Subject Access Request.

## 11. Enforcement

This Licensing authority will act in accordance with the relevant legislation and guidance from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Compliance Code.

The purpose of this Licensing authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003. A copy can be requested from Sharon Bamborough, Head of the Licensing Partnership via [email](#) or by telephone 01732 227004.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing authority will endeavour to avoid duplication with other regulatory regimes so far as is possible.

This Licensing authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

Licensing authorities are required by regulation under the Gambling Act 2005, to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing authority's principles are that:

It will adopt the guidance for local authorities and it will endeavour to be:

a. Proportionate:

regulators should only intervene when necessary;  
remedies should be appropriate to the risk posed, and  
costs identified and minimised.

b. Accountable:

regulators must be able to justify decisions, and  
be subject to public scrutiny.

c. Consistent:

rules and standards must be joined up and  
implemented fairly;

d. Transparent:

regulators should be open, and keep regulations simple and user friendly;  
and

e. Targeted:

regulation should be focused on the problem, and minimise side effects.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The Council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district.

The Licensing authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.

The Licensing authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises licence. To achieve this, the Licensing authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections

will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

The main enforcement and compliance role for this Licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Concerns relating to manufacture, supply or repair of gaming machines, or concerns relating to on-line or remote gambling is part of the Commissions role.

## **11. Gambling Prevalence and Problem Gambling**

Participation in gambling and rates of problem gambling published in April 2018 on the Gambling Commission website by NHS Digital showed that:

- f. 56% of people in England gambled in 2016
- g. 42% of people in England (excluding those who had only played National Lottery draws) gambled in 2016
- h. 0.7% of people in England identified as problem gamblers
- i. 1.2% of gamblers in England identified as problem gamblers
- j. 3.6% of people in England were at low or moderate risk of developing problems with their gambling
- k. 6.6% of gamblers in England are at low or moderate risk of developing problems with their gambling

Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling loses. However, the effects of problem gambling can cost more than money.

Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities.

There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes.

Problem gambling can be progressive in nature and problem gamblers can end up engaging

in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

<http://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Levels-of-problem-gambling-in-England.aspx>

There are around 280,000 problem gamblers in England alone, according to a 2018 study by NHS Digital, although a YouGov survey earlier this year found there could be 1.4 million across the UK. (29 Oct 2020)

When respondents who had only taken part in National Lottery draws were excluded, the overall participation rate was down from 32% in 2019 to 28% in 2020. In other activities, there were decreases in participation in in-person football pools, bingo, betting on horse races, betting on other events and casino games. (25 Feb 2021)

## Appendix 1

Factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

### 1. Permits

#### ① Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines it may apply to the licensing authority for this permit.

The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

Sevenoaks District Council has considered and intends to require applicants to demonstrate:

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

It should be noted that a licensing authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 18(4)).

For initial applications, the licensing authority need not (but may) have regard to the licensing objectives but shall need to have regard to any Gambling Commission guidance.

The Gambling Commission’s Guidance for local authorities states: “In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities may want to give weight to child protection issues.

The Gambling Commission’s 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.

Statement of Principles: This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

An uFEC Permit is only where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine

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

#### **(ii) (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(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. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from 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 under 18 year olds do not have access to the adult only gaming machines.

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

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

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 machine.

(ii) **Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, Sevenoaks District Council will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected 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. These will also apply to UFEC permits.

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and
- An enhanced criminal record check for staff or equivalent criminal records check for the applicant and also the person who has the day to day control of the premises;

The applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 that the permit holder must comply with but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

## (M) Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

The Gambling Commission's Guidance for local authorities states: "Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, they must be permanent in nature, not established to make a commercial profit and must be controlled by their members equally unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A Members' Club must be permanent in nature and established and conducted for the benefit of its members and not a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.5)

The Licensing authority is aware that it may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the police.

The Licensing authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48 hour rule being applied for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?

- Is there a list of Committee members and evidence of their election by the club members?

When examining the club's constitution, the Licensing authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club).
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits

There is also a '**fast-track**' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, paragraph 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

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

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 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.

**Appendix 2****2. Premises licences****(i) Decision making - general:**

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

Any conditions attached to licences by the Licensing authority will be proportionate and will be:

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

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

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in a non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance and licence conditions and codes of practice .

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons less than 18 years of age.

These conditions will apply to premises including buildings where multiple premises licences are applicable. This does not apply to AGC or betting premises.

The licensing authority is aware that tracks may be subject to one or more than one premises licence provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

There are also conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes.

**(ii) “Premises”:**

Premises is defined in the Act as “any place”. It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities’ states, it “will always be a question of fact in the circumstances”. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

Sevenoaks District Council will have regard to the Gambling Commission’s guidance on the division of premises and access between premises.

This licensing authority takes particular note of the Guidance for local authorities which states that in considering applications for multiple licences for a building (split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that they are not permitted to be in close proximity to gambling. Therefore premises

should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and

- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of this guidance gives more information about provisional statements.

As the Court has held in a 2008 case<sup>19</sup>, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

### **(iii) Location:**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

**(iv) Planning:**

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

**(v) Duplication:**

As stated in section nine on Enforcement, as per the Gambling Commission's Guidance for local authorities this licensing authority will seek to avoid duplication with other regulatory regimes so far as possible.

**(vi) Door Supervisors:**

The Gambling Commission's Guidance advises local authorities that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

This licensing authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises is licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

**(vii) Split Premises**

The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

The Gambling Commission state they do ‘not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises’.

Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

In considering whether different areas of a building are genuinely separate premises the Licensing authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

When considering proposals to divide a building into separate premises, the Licensing authority will also need to be satisfied that the form of separation between the premises is appropriate.

The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.

It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

The Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing Authorities may consider that there should be an area

separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”

It is the Licensing authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

The Licensing authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

Where the Licensing authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
- entrances and exits from parts of a building covered by one or more Premises licences are separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the Premises licence.

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

#### **(viii) Access to Premises**

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

‘Direct access’ is not defined, but the Licensing authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

## Types of Premises and their access provisions

### Casino

- The principal access to the premises must be from a ‘street’;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.

### Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises;

### Betting Shop

- Access must be from a ‘street’ or from other premises with a betting licence;
- No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.

### Track

- No customer must be able to access the premises directly from a casino or Adult Gaming Centre

### Bingo Premises

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

### Family Entertainment Centre

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

### (ix) Licensing objectives:

This licensing authority has considered the Gambling Commission’s Guidance to local authorities in respect of the licensing objectives.

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

***Ensuring that gambling is conducted in a fair and open way:***

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

### (x) Reviews:

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant code of practice issued by the Gambling Commission;
- it is in accordance with any relevant guidance issued by the Gambling Commission;

- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

**(xi) Provisional Statements:**

This licensing authority notes the Gambling Commission's Guidance for the Gambling Commission which states 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." and that
- "Requiring the building to be complete ensures that the authority can inspect it fully".

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

**(xii) Adult Gaming Centres (AGC):**

This licensing authority particularly notes the Gambling Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The licensing authority in considering premises licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

**(xiii) (Licensed) Family Entertainment Centres (FECs):**

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

This licensing authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Since gaming machines provide opportunities for solitary play and for immediate pay outs, they are more likely to engender repetitive and excessive play. The licensing authority, in considering applications for FEC Premises licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours

- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

**(xiv) Tracks:**

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We shall have regard to this Guidance in the discharge of our functions.

**(xv) Casinos:**

This licensing authority will have regard to the Gambling Commission's guidance.

**(xvi) Bingo:**

This licensing authority will have regard to the Gambling Commission's guidance.

The licensing authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo is regularly played in any premises for which a Premises licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

**(xvii) Temporary Use Notices:**

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the licensing authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

**(xviii) Occasional Use Notices:**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

**(xix) Small Society Lotteries**

The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the

risk status of the operator:

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

Non-commercial gaming is permitted if it takes place at a non-commercial event as either 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.

Charities and community groups should contact us via email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) to seek further clarification.

#### **(xx) Travelling Fairs:**

It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

#### **(xi) Betting Premises**

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.

In determining applications for betting premises, the licensing authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers

- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

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

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.

Section 181 of the Gambling Act 2005 permits the Licensing authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a premises licence for a betting office. When considering whether to do so, the licensing authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The licensing authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

#### **Help with gambling related problems:**

A list of organisations where people may seek help will be available on the licensing website.

## Appendix 3

### Responsible Authorities:

**Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:**

#### Licensing Team

Sevenoaks District Council

Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP

Tel: 01732 227004

[Sevenoaks District Council email](#)

[Sevenoaks District Council website](#)

**Information can also be obtained from:**

#### Gambling Commission

Victoria Square House  
Victoria Square  
Birmingham B2 4BP

Tel: 0121 230 6666

[Gambling Commission email](#)

[Gambling Commission website](#)

#### Local Planning Authority

Sevenoaks District Council  
Council Offices  
Argyle Road  
Sevenoaks  
Kent TN13 1GP

Tel: 01732 227000

#### Environmental Protection

Sevenoaks District Council  
Council Offices  
Argyle Road  
Sevenoaks  
Kent TN13 1GP

Tel: 01732 227000

[Environmental Health email](#)

**Police Licensing and Drugs Officer**

Licensing Coordinator  
Community Safety Unit  
Tonbridge and Malling Borough Council  
Gibson Drive  
Kings Hill  
West Malling. ME19 4LZ  
[Police Licensing Coordinator email](#)

**Health and Safety**

Sevenoaks District Council  
Council Offices  
Argyle Road  
Sevenoaks  
Kent TN13 1GP

Tel: 01732 227000

**Fire Safety –**

District Manager  
Kent Fire & Rescue Service  
West Kent Fire Safety Office  
424 Vale Road  
Tonbridge  
Kent TN9 1SW

Tel: 01732 369429

**Kent Child Protection Committee**

Children's and Families KCC Social Service  
The Willows  
Hilda May Avenue  
Swanley  
Kent BR8 7BT

[Kent Child Protection website](#)

**HM Revenue & Customs**

HM Revenue and Customs  
Excise Processing Teams  
Gambling Duties  
BX9 1GL

Tel: 0300 200 3701

[HM Revenue & Customs email](#)

[HM Revenue & Customs website](#)

## **Appendix 4**

**List detailing who this authority consulted with:**

### **List of Consultees**

Sevenoaks District Council website

District Councillors

Councillor's Members Room

Parish and Town Councils

Licensees/their agents of gambling premises

Neighbouring Authorities

### **List of Consultees**

Sevenoaks District Council website

District Councillors

Councillor's Member Room

Parish and Town Councils

Licensees/their Agents of gambling premises

Neighbouring Authorities

Bodies designated under section 157 of the Act as 'Responsible Authorities'

Town Centre Forums, Partnerships and Managers

Person/ bodies representative of local residents

Person/ bodies representative of gambling businesses

Representatives of persons or business who hold premises licences

Organisations working with people who are problem gamblers

Representatives of health care organisations

Representatives of voluntary and community organisations working with children and young people

This list is not definitive. Residents associations will be sent copies on request.

**Appendix 5****Summary of machine provisions by premises**

Premises type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)	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)							
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)		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)						
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
<b>Betting premises and tracks occupied by pool betting</b>		Maximum of 4 machines categories B2 to D						
<b>Bingo premises</b>		Maximum of 8 machines in category B3 or B4				No limit on category C or D machines		
<b>Adult gaming centre</b>		Maximum of 4 machines in category B3 or B4				No limit on category C or D machines		
<b>Family entertainment centre</b> (with premises licence)						No limit on category C or D machines		
<b>Family entertainment centre</b> (with permit)						No limit on category D machines		
<b>Clubs or miners' welfare institute</b> (with permits)		Maximum of 3 machines in categories B3A or B4 to D*						
<b>Qualifying alcohol-licensed premises</b>						1 or 2 machines of category C or D automatic upon notification		
<b>Qualifying alcohol-licensed premises</b> (with gaming machine permit)						Number of category C D machines as specified on permit		
<b>Travelling fair</b>						No limit on category D machines		
	A	B1	B2	B3	B3A	B4	C	D

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.

**Appendix 6**

## **Summary of licensing authority delegations permitted under the Gambling Act 2005**

Matter to be dealt with	Full Council	Sub-Committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting (where appropriate)			X
Application for Premises licences		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a transfer for a licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

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## DRAFT CALENDAR OF MEETINGS FOR THE MUNICIPAL YEAR 2022/23

Council - 16 November 2021

**Report of:** Deputy Chief Executive and Chief Officer Customer & Resources

**Status:** For Consideration

**Key Decision:** No

**Contact Officer:** Charlotte Sinclair, Ext. 7165

**Recommendation to Council:** That the Calendar of Meetings for 2022/23 be approved subject to formal adoption at the Annual Meeting of the Council on 10 May 2022.

### Introduction and Background

- 1 The draft calendar of meetings for the municipal year 2022/23 is attached for consideration. All Members and Senior Officers have been consulted on the draft dates.
- 2 Since consultation, the full Council meeting scheduled for 18 April 2023 has been moved to 25 April 2023.
- 3 The draft calendar tried to avoid meetings on Mondays and Wednesdays and school holidays, as much as possible. Best endeavours have been made to avoid evening meetings on Mondays and Wednesdays. If additional meetings are required it may be necessary to look at these days. All additional meetings dates and times are set up in consultation with the relevant Chairman.
- 4 Development Control Committee, is also programmed to take place on a three weekly basis. There are occasions where a four weekly basis is necessary.
- 5 In its current form, the proposed Calendar of Meetings for 2022/23 attached at appendix A covers a total of 83 formal committee meetings across the municipal year.
- 6 It is the responsibility of the Annual Meeting of the Council to confirm the Council's calendar of meetings for oncoming year. However, it is considered prudent to put it before this meeting of the Council to allow more time for forward planning by Officers and Members and booking of meeting rooms etc.

## Agenda Item 8a

### **Key Implications**

#### Financial

None directly arising from this report.

#### Legal Implications and Risk Assessment Statement.

The Council is under a legal duty to hold an Annual Council meeting during a particular period and to set a Council Tac by a specific date. The calendar proposed here meets those requirements.

#### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **Conclusions**

Members are requested to consider the attached draft Calendar of Meetings and recommend it to the meeting of Annual Council for formal adoption.

### **Appendices**

Appendix A - Draft Calendar of meetings for the municipal year 2022/23

### **Background Papers**

None

**Jim Carrington-West**

**Deputy Chief Executive and Chief Officer - Customer & Resources**

# SEVENOAKS DISTRICT COUNCIL - DRAFT CALENDAR OF MEETINGS 2022/23

As at 3/11/21

	APRIL 2022		MAY 2022				JUNE 2022						JULY 2022			
MONDAY	18 PUBLIC HOLIDAY	25	2 PUBLIC HOLIDAY	9	16	23	30	6	13	20	27	4	11	18	25	
TUESDAY	19	26 Council	3 Annual Council Sp: Cabinet, Audit, Licensing	10	17	24 Finance & Investment Advisory Cttee	31	7 Housing & Health Advisory Committee	14 People & Places Advisory Cttee	21 Governance Committee	28 Cleaner & Greener Advisory Cttee	5 Development & Conservation Advisory Cttee	12 Scrutiny Committee	19 Council	26	
WEDNESDAY	20	27	4 Health Liaison Board (2pm)	11	18	25	1 Sevenoaks District Joint Transportation Board	8 Sevenoaks District Joint Transportation Board	15	22	29	6	13	20	27	
THURSDAY	21	28	5 Cabinet DCC	12	19	26 DCC	2 PUBLIC HOLIDAY	9 DCC	16 Licensing Committee	23 Improvement & Innovation Advisory Committee	30 DCC	7 Cabinet	14 Audit Committee	21 DCC	28	
FRIDAY	22	29	6 PUBLIC HOLIDAY	13	20	27	3 PUBLIC HOLIDAY	10	17	24	1	8	15	22	29	

	AUGUST 2022				SEPTEMBER 2022						OCTOBER 2022				NOVEMBER 2022	
MONDAY	1	8	15	22	29 PUBLIC HOLIDAY	5	12	19	26	3	10	17	24	31	7	
TUESDAY	2	9	16	23	30 Finance & Investment Advisory Cttee	6 Sevenoaks District Joint Transportation Board	13 Licensing Committee	20 Housing & Health Advisory Committee	27 People & Places Advisory Cttee	4 Cleaner & Greener Advisory Cttee	11 Development & Conservation Advisory Cttee	18	25	1 Governance Committee	8 Scrutiny Committee	
WEDNESDAY	3	10	17	24	31 Health Liaison Board (2pm)	7	14	21	28	5	12	19	26	2 Health Liaison Board (2pm)	9	
THURSDAY	4	11	18	25	1 DCC	8 DCC	15 Cabinet	22 Audit Committee	29 DCC	6 Improvement & Innovation Advisory Committee	13 Cabinet	20 DCC	27	3 Finance & Investment Advisory Cttee	10 Cabinet	
FRIDAY	5	12	19	26	2 9	16	23	30 30	7	14	21	28	4	11		

Key (Most meetings start at 7pm UNLESS indicated otherwise and are held at the Council Offices in Argyle Road - please check the Council website for details.)

Council	Cabinet	Development & Conservation Advisory Committee
Development Control Committee	Finance & Investment Advisory Committee	Joint Transportation board
Licensing Committee	Improvement & Innovation Advisory Committee	Health Liaison Board - 12pm
Audit Committee	Housing & Health Advisory Committee	Health Liaison Board - 12pm
Scrutiny Committee	People & Places Advisory Committee	Cleaner & Greener Advisory Committee
Governance Committee	Standards Committee	

Agenda Item 8a

# SEVENOAKS DISTRICT COUNCIL - DRAFT CALENDAR OF MEETINGS 2022/23

As at 3/11/21

	NOVEMBER 2022			DECEMBER 2022					JANUARY 2023				FEBRUARY 2023								
MONDAY	14	21	28	5	12	19	26	PUBLIC HOLIDAY	2	PUBLIC HOLIDAY	9	16	23	30	6	13					
TUESDAY	15	Council	Housing & Health Advisory Committee	29	People & Places Advisory Cttee	Cleaner & Greener Advisory Cttee	Sevenoaks District Joint Transportation Board	20	27	PUBLIC HOLIDAY	3	Licensing Committee	Finance & Investment Advisory Cttee	Health Liaison Board (2pm)	24	Audit Committee	31	Standards Committee	7	Housing & Health Advisory Cttee	14
WEDNESDAY	16	23	30	7	14	21	28		4		11	18	25	1	8			8		15	
THURSDAY	17	24	Improvement & Innovation Advisory Committee	1	Development & Conservation Advisory Cttee	8	15	22	29		5	12	19	26	2	9			9		16
FRIDAY	18	25		2		9	16	23	30		6	13	20	27	3	10			10		17
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	MARCH 2023						APRIL 2023						MAY 2023								
MONDAY	20	27	6	13	20	27	3		10	PUBLIC HOLIDAY	17	24		1	PUBLIC HOLIDAY	8		15		22	
TUESDAY	21	Council (Budget)	(Reserve) Council	7	Sevenoaks District Joint Transportation Board	14	Cleaner & Greener Advisory Cttee	21	Scrutiny Committee	Audit Committee	4		11	18	25	Council	2	9	16	23	Annual Council Sp. Cabinet Sp. Licensing Sp. Audit
WEDNESDAY	22		1	8	15	22		29	Licensing Committee		5	12	19	26	3		10		17		24
THURSDAY	23	Improvement & Innovation Advisory Committee	2	9	16	23	Finance & Investment Advisory Cttee	30	DCC		6	13	20	27	4	District & Parish Council Elections	11	18		25	DCC
FRIDAY	24		3	10	17	24		31		7	PUBLIC HOLIDAY	14	21	28	5		12	19		26	

Key

(Most meetings start at 7pm and are held at the Council Offices in Argyle Road - please check the Council website for details.)

Council

Development Control Committee

Licensing Committee

Audit Committee

Scrutiny Committee

Governance Committee

Standards Committee

Cabinet

Finance & Investment Advisory Committee

Improvement & Innovation Advisory Committee

Housing & Health Advisory Committee

People & Places Advisory Committee

Cleaner & Greener Advisory Committee

Development & Conservation Advisory Committee

Joint Transportation Board

Health Liaison Board - 12pm

Agenda Item 8a

**Cllr Fleming - Leader's Report****From: 5 July 2021 - 29 October 2021**

Date	Event
5 July	<ul style="list-style-type: none"> <li>• Bevan Place - Project Inception Meeting via Teams</li> <li>• Sevenoaks Town Matters - SDC</li> <li>• Local Plan Discussion - SDC</li> </ul>
6 July	<ul style="list-style-type: none"> <li>• LGA Conference online</li> <li>• Host LGA Improvement Spotlight session at LGA Conference via Zoom</li> </ul>
7 July	<ul style="list-style-type: none"> <li>• LGA Conference online</li> </ul>
8 July	<ul style="list-style-type: none"> <li>• LGA Conference online</li> <li>• Quercus 7 Trading Board &amp; Quercus Housing Guarantor Board via Zoom</li> <li>• Cabinet - SDC</li> </ul>
9 July	<ul style="list-style-type: none"> <li>• Kent &amp; Medway Infrastructure Proposal discussion - David Godfrey - SDC</li> </ul>
12 July	<ul style="list-style-type: none"> <li>• Corporate Induction - SDC</li> <li>• LGA Improvement &amp; Innovation Board Lead Members' Meeting via Zoom</li> <li>• DCN all-member meeting via Zoom</li> </ul>
15 July	<ul style="list-style-type: none"> <li>• LGA Business Rates &amp; LGF Reform TFG via Teams</li> <li>• Net Zero catch-up via Zoom</li> </ul>
16 July	<ul style="list-style-type: none"> <li>• West Kent Partnership via Teams</li> </ul>
19 July	<ul style="list-style-type: none"> <li>• Kent &amp; Medway Business Fund Investment Advisory Board via Teams</li> <li>• DCN Executive Meeting via Zoom</li> <li>• KCC/SDC re Kent MAAS via Teams</li> <li>• Tarmac Presentation via Zoom</li> </ul>
20 July	<ul style="list-style-type: none"> <li>• Meeting with HSBC re Sevenoaks Branch via Zoom</li> <li>• Council - The Stag, Sevenoaks</li> </ul>
21 July	<ul style="list-style-type: none"> <li>• SELEP Webinar via Zoom</li> <li>• APP District Councils The Environment and Sustainability via Zoom</li> <li>• Kent Council Leaders' Meeting via Teams</li> </ul>
22 July	<ul style="list-style-type: none"> <li>• LGA Councillors' Forum via Zoom</li> <li>• LGA Executive Advisory Board via Zoom</li> <li>• Photo re Kent &amp; Medway Healthy Workplace Award - SDC</li> <li>• Kent &amp; Medway Economic Partnership via Zoom</li> </ul>
26 July	<ul style="list-style-type: none"> <li>• DCN Executive Meeting via Zoom</li> </ul>
27 July	<ul style="list-style-type: none"> <li>• MHCLG Ministerial Webinar via Teams</li> <li>• Meeting with Cllr Tom Dawlings, Leader of TWBC - SDC</li> <li>• Net Zero Cabinet Working Group via Zoom</li> </ul>
29 July	<ul style="list-style-type: none"> <li>• Chair LGA Improvement &amp; Innovation Board Meeting - London</li> </ul>

## Agenda Item 11

Date	Event
2 August	<ul style="list-style-type: none"> <li>Assessment Day for member of Commercial &amp; Property team via Zoom</li> </ul>
9 August	<ul style="list-style-type: none"> <li>DCN Member Board via Zoom</li> </ul>
10 August	<ul style="list-style-type: none"> <li>Meeting with Cllr Matt Boughton, Leader of TMBC - SDC</li> </ul>
12 August	<ul style="list-style-type: none"> <li>Corporate Induction session - SDC</li> </ul>
17 August	<ul style="list-style-type: none"> <li>Centre for Partnering Meeting / LGA via Zoom</li> <li>Kent Council Leaders' Meeting via Teams</li> </ul>
18 August	<ul style="list-style-type: none"> <li>Meeting with MHCLG re Local Plan via Zoom</li> </ul>
19 August	<ul style="list-style-type: none"> <li>Public Realm Improvements Meeting via Zoom</li> </ul>
24 August	<ul style="list-style-type: none"> <li>Filming of Zero Waste Week video - SDC</li> </ul>
31 August	<ul style="list-style-type: none"> <li>Fly the Flag for Merchant Navy Day - SDC</li> </ul>
1 September	<ul style="list-style-type: none"> <li>Member/Officer Working Group re Air Quality Action Plan via Zoom</li> </ul>
2 September	<ul style="list-style-type: none"> <li>Corporate Induction - SDC</li> </ul>
3 September	<ul style="list-style-type: none"> <li>Memorial Service for former Cllr Frances Dick - Sevenoaks</li> </ul>
8 September	<ul style="list-style-type: none"> <li>DCN Member Board via Zoom</li> <li>IDeA Board - London</li> </ul>
9 September	<ul style="list-style-type: none"> <li>LGA Councillor Briefing Day - London</li> <li>LGA Executive Advisory Board - London</li> </ul>
10 September	<ul style="list-style-type: none"> <li>Improvement &amp; Innovation Portfolio Holder Meeting via Zoom</li> </ul>
13 September	<ul style="list-style-type: none"> <li>Kent &amp; Medway Business Fund Investment Advisory Board via Teams</li> </ul>
14 September	<ul style="list-style-type: none"> <li>Local Plan Timetable Meeting - SDC</li> </ul>
15 September	<ul style="list-style-type: none"> <li>South East Councils District Leaders' Group Meeting - London</li> <li>South East Councils AGM - London</li> </ul>
16 September	<ul style="list-style-type: none"> <li>Quercus 7 Trading Board &amp; Quercus Housing Guarantor Board via Zoom</li> <li>Cabinet - SDC</li> </ul>
23 September	<ul style="list-style-type: none"> <li>Speaker at Westminster Insights Conference - London</li> </ul>
29 September	<ul style="list-style-type: none"> <li>Meet the Environmental Health Manager candidate - SDC</li> </ul>
30 September	<ul style="list-style-type: none"> <li>Meeting with DCN Director, James Hood, via Zoom</li> <li>Board Diversity Discussion for Investment Advisory Board via Teams</li> </ul>
1 October	<ul style="list-style-type: none"> <li>Volunteers Thank You Event - St Clere Estate</li> </ul>
4 October	<ul style="list-style-type: none"> <li>Interview re Sevenoaks Housing Strategy via Teams</li> </ul>
7 October	<ul style="list-style-type: none"> <li>Chair LGA Improvement &amp; Innovation Board - London</li> <li>Improvement &amp; Innovation Advisory Committee - SDC</li> </ul>
8 October	<ul style="list-style-type: none"> <li>West Kent Partnership via Teams</li> <li>Sector Led Improvement Interview for Iese Transform magazine</li> </ul>
11 October	<ul style="list-style-type: none"> <li>Meeting with KCC re Growth/Economic Development &amp; Highways Transport via Teams</li> <li>Public Realm Improvements Meeting via Teams</li> <li>Swanley Town Council Annual Liaison Meeting via Zoom</li> </ul>
12 October	<ul style="list-style-type: none"> <li>National Grid ESO online roundtable for local authority leaders via Zoom</li> </ul>

Date	Event
	<ul style="list-style-type: none"> <li>• Sevenoaks Centres Strategy - Allies &amp; Morrison via Zoom</li> <li>• Edenbridge Town Council Annual Liaison Meeting - Edenbridge</li> </ul>
13 October	<ul style="list-style-type: none"> <li>• Westerham Town Council Annual Liaison Meeting - Westerham</li> <li>• Kent Council Leaders' Meeting via Teams</li> </ul>
14 October	<ul style="list-style-type: none"> <li>• Speaker at online conference for University of Salford Digital Housing Conference</li> <li>• Speaker at LGA event - Social Media session for Councillors - Warwick</li> <li>• Cabinet - SDC</li> </ul>
15 October	<ul style="list-style-type: none"> <li>• Corporate Induction session - SDC</li> <li>• White Oak Site Visit - Swanley</li> <li>• Photo re Community Awards - Swanley</li> </ul>
18 October	<ul style="list-style-type: none"> <li>• Introductory meeting with Grant Thornton via Teams</li> </ul>
19 October	<ul style="list-style-type: none"> <li>• Electric Vehicle Charging Units Update via Zoom</li> <li>• ACORN Data meeting re Sevenoaks via Zoom</li> <li>• Christmas High Street Campaign meeting with Comms Team - SDC</li> <li>• Sevenoaks District Business Board via Zoom</li> </ul>
21 October	<ul style="list-style-type: none"> <li>• DCN Executive Meeting - Kenilworth</li> <li>• DCN Conference - Kenilworth</li> <li>• LGA Executive Advisory Board via Zoom</li> </ul>
22 October	<ul style="list-style-type: none"> <li>• DCN Conference - Kenilworth</li> </ul>
25 October	<ul style="list-style-type: none"> <li>• Former Cllr John Scholey Memorial Service - Edenbridge</li> </ul>
26 October	<ul style="list-style-type: none"> <li>• Sevenoaks Quarry - Second phase consultation - via Zoom</li> <li>• KCC/SDC Kent Commissioning Plan via Teams</li> </ul>
27 October	<ul style="list-style-type: none"> <li>• Kent Leaders/Chief Executives Away Day - Dartford</li> </ul>
28 October	<ul style="list-style-type: none"> <li>• Corporate Induction - SDC</li> </ul>
29 October	<ul style="list-style-type: none"> <li>• Kent &amp; Medway Business Fund Investment Advisory Board Composition meeting via Teams</li> <li>• Improvement &amp; Innovation Portfolio Holder meeting via Zoom</li> <li>• LGA meeting with Zoom re Digital Adoption in Local Government via Zoom</li> </ul>

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## AUDIT COMMITTEE REPORT TO COUNCIL - 16 NOVEMBER 2021

Council - 16 November 2021

Report of: Cllr McGarvey, Chair of the Audit Committee

Status: For Consideration

### Introduction and Background

- 1 This is our report to the Council on the work of the Audit Committee since Council last met in July 2021.
- 2 The Audit Committee is responsible for discharging the functions conferred by the Accounts and Audit Regulations 2015. The key responsibilities include approving the Council's Annual Statement of Accounts, approving the Annual Governance Statement, approving the Annual Internal Audit Plan and monitoring and reviewing the work of Internal Audit, and reviewing the arrangements for the management of business risks.
- 3 In line with its Terms of Reference, the Audit Committee meets four times per year and has met once since the last report to Council.
- 4 As Chair of the Committee, I have continued to hold monthly briefings with Officers.
- 5 Details of the range of issues considered by the Committee on 23 September are set out below:

### Internal Audit

Date of Meeting	Agenda Items
September 2021	<ul style="list-style-type: none"><li>• Internal Audit Progress Report 2021/22</li></ul>

## Agenda Item 12

### Governance, Risk & Anti-Fraud

Date of Meeting	Agenda Items
September 2021	<ul style="list-style-type: none"><li>• Members' Allowance Scheme Monitoring 2020/21</li><li>• Strategic Risk Register</li></ul>

### Accounts and External Audit

Date of Meeting	Agenda Items
September 2021	<ul style="list-style-type: none"><li>• Statement of Accounts 2020/21 progress update</li></ul>

- 6 The Audit Committee maintains a constructive dialogue and effective working relationship with the Council's external auditors, Grant Thornton who attended on 23 September.
- 7 Training of Audit Committee Members is important to ensure that they can add value to the discussions at the Committee. A Member Development Plan has been agreed by the Committee including a training session on Internal Audit and the Role of the Audit Committee which took place on 23 September.
- 8 The draft statement of accounts for 2020/21 was completed by the deadline but the audit by Grant Thornton is still continuing. This is a common issue across the country as external auditors are struggling to provide the resources required to complete the work on time as evidenced by 90% of councils not having their audited accounts signed off by the 30 September deadline. It is expected that an additional Audit Committee will be held once Grant Thornton have completed their work.
- 9 At the July Audit Committee, a report on having independent members on the committee was discussed. It was agreed that the Chairman would attend Audit Committee meetings at other councils that have independent members and report back in January. After sitting in on a neighbouring council's Audit Committee meeting in September, it is already apparent that the benefit of having any independent person join an Audit Committee would very much depend on the skills & insightfulness of the individual concerned, so if this is pursued here, recruiting the right person would be the key to success or otherwise.
- 10 It is my opinion that the work of the Committee has a positive impact on the overall control environment within the Council and has developed good working relationships with officers and External Audit, and has offered constructive comments on a range of issues. The Committee continues to develop and improve its understanding of the many technical issues presented to it.

- 11 I thank all members of the Audit Committee for their personal contribution to the work of the Committee. I also thank Officers, in particular Adrian Rowbotham, Fran Chivers and Alan Michell, for the help and support they have given the Committee. I am sad to report that Fran Chivers (Audit Manager) will be leaving the council in December to become the Head of Internal Audit at LB Bromley. The recruitment process for a new Audit Manager is due to be completed in November.

**Cllr Philip McGarvey, Chairman, Audit Committee**

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