

From: Jane Blade [mailto:jblade@gamblingcommission.gov.uk]
Sent: 10 September 2018 08:25
To: Sharon Bamborough
Subject: RE: Sevenoaks Gambling consultation

Dear Sharon

I have read this document and have a few comments for you to consider. This is not a representation, so no need to record it as such!

1. Page 15 – You should specify here that a 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.
2. Page 17 – The considerations for Prize Gaming Permits should also apply to uFEC permits, as these are premises which primarily cater to children and which are not regulated by the GC, only via a permit from the LA
3. Page 20 – Machine locations (i.e. the need for the machine area to be separate) only applies to Licensed FEC's and Bingo premises. This consideration does not apply to AGC or Betting premises, which are only for adults anyway. This should be clarified.
4. Page 22 – Premises do not have to be complete before a Premises Licence can be granted.

The GLA states:

Consideration of planning permission and building regulations

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

7.59 As the Court has held in a 2008 case¹⁹, **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.

5. Page 28 and Page 29 – the term “self-barring” should be replaced by “self-exclusion”, which is the correct term
6. Page 34 – Under the list of Responsible Authorities, reference is made to the Health and Safety team. It may be that they are an RA as this is the way the LA is structured, however if not the list of RA’s for gambling is here: <http://www.legislation.gov.uk/ukpga/2005/19/section/157> and this should refer to what we would call the Pollution team in the old days!

I hope this helps.

Best wishes



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