

POLICY SECTION	COMMENT /FEEDBACK	COMMENT/ RECOMMENDATION	DECISION against recommendation:
<p>PAGE 15: (extract)</p> <p>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.</p> <p>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.</p> <p><b>PAGE 15: (iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))</b></p> <p>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.</p>	<p><b>GENERAL COMMENTS FROM GAMBLING COMMISSION:</b></p> <p>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.</p> <p>2. Page 17 (typo – should read 15) – 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</p>	<p>1. We are happy to add this following wording to the section. <b>Recommend</b> to add in: ‘ 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’ At the end of this section</p> <p>2. <b>Recommend:</b> amend the relevant section on page 15/16 to make clear that 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</p>	<p>Page 15: ACCEPT / REJECT</p> <p>Page 15/16 ACCEPT / REJECT</p>

<p>PAGE 20: This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• only adults are admitted to the area where these machines are located;</li> <li>• access to the area where the machines are located is supervised;</li> <li>• the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and</li> <li>• 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.</li> </ul> <p>These conditions will apply to premises including buildings where multiple premises licences are applicable.</p>	<p>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.</p>	<p>3. We are amend to make this clearer <b>Recommend:</b> amend wording to make clear that this does not apply to AGC or betting premises</p>	<p>Page 20 ACCEPT / REJECT</p>
<p>PAGE 22: It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to “the premises” are</p>	<p>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 <i>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</i></p>	<p>4. We are happy to amend the wording to match the wording provided by the Gambling Commission <b>Recommend</b> : incorporate wording in italics (previous column)and remove sections</p>	<p>Page 22 ACCEPT / REJECT</p>

<p>to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.</p>	<p><i>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.</i></p> <p><i>7.59 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.</i></p>	<p>which contradict this guidance</p>	
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<p>PAGE 27 &amp; 28 : REFERERNCES TO 'SELF BARRING'</p> <p>Page 34: <b>Health and Safety</b> Sevenoaks District Council Council Offices (etc.)</p>	<p>5. Page 28 and Page 29 (typo – should read 27 &amp; 28) – the term “self-barring” should be replaced by “self-exclusion”, which is the correct term</p> <p>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: <a href="http://www.legislation.gov.uk/ukpga/2005/19/section/157">http://www.legislation.gov.uk/ukpga/2005/19/section/157</a> and this should refer to what we would call the Pollution team in the old days!</p>	<p>5. We are happy to take this suggestion and replace the wording <b>Recommend:</b> replace the terms ‘self barring’ with ‘self exclusion’</p> <p>6 Noted, but no change necessary as this is part of Environmental Health <b>Recommend:</b> no change to this section</p>	<p>Page 28/29 ACCEPT / REJECT</p> <p>Page 34: accept / reject</p>
<p>PARA 1: 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.</p>	<p>GOSSCHALKS: Paragraph 1(1) should be amended to properly state the requirements of Section 153. This paragraph as drafted misstates the requirements of S153 and excludes the “aim to permit” principle which should be included.</p>	<p>Disagree with feedback – section clearly includes reference to ‘aim to permit’ principle <b>Recommendation:</b> leave as proposed (in existing policy)</p>	<p>(page 3) Para 1: ACCEPT / REJECT</p>
<p>Extract from Para 6: The Licence Conditions and Codes of Practice (LCCP) were updated in April 2015, and have introduced significant new responsibilities for operators</p>	<p>GOSSCHALKS: Paragraph 6 refers to an update of the LCCP in April 2015. Whilst it’s correct that the LCCP was updated in April 2015, the most recent version of this document is January 2018 which had effect from 4<sup>th</sup> April 2018. Accordingly this reference should be amended.</p>	<p>Happy to update this reference to the most recent LCCP <b>Recommendation:</b> amend to update from ‘April 2015’ to ‘with effect from 4<sup>th</sup> April 2018’</p>	<p>(Page 7) Para 6: ACCEPT / REJECT</p>
<p>APP.2, 2(i) extract: Any conditions attached to licences by the Licensing Authority will be proportionate and will be:</p> <ul style="list-style-type: none"> <li>relevant to the need to make the proposed building suitable as a</li> </ul>	<p>GOSSCHALKS: Paragraph 2 (i) in Appendix 2 explains the Licensing Authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear statement that all Gambling Act 2005 premises licences are</p>	<p>Disagree – we consider the section is fine as drafted (it is in existing policy) <b>Recommend:</b> leave as is</p>	<p>(page 19) ACCEPT / REJECT</p>

<p>gambling facility;</p> <ul style="list-style-type: none"> <li>• directly related to the premises and the type of licence applied for;</li> <li>• fairly and reasonably related to the scale and type of premises; and</li> <li>• are reasonable in all other respects.</li> </ul> <p>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</p>	<p>subject to mandatory and default conditions and that these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented by additional conditions.</p>		
<p><b>(iii) Location:</b> 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. <b>Should any specific policy be decided upon as regards areas where gambling premises should not be located,</b></p>	<p><b>GOSSCHALKS:</b> Paragraph 2(iii) is headed “Location” and contains a sentence that should be removed. This sentence refers to the potential for a policy with regard to areas where gambling premises should not be located. This sentence should be removed as any such policy is likely to be unlawful and is certainly contrary to the overriding principle that the Licensing Authority will “aim to permit” the use of the premises for gambling. The paragraph should simply state that applications may be made and they will be determined upon their</p>	<p>As we have no designated areas where gambling premises would not be permitted, nor any evidence to support such an approach, we are happy to remove this wording (highlighted in yellow in first column) <b>Recommend:</b> Amend wording to remove all wording highlighted in yellow (column 1)</p>	<p>Page 21: ACCEPT / REJECT</p>

<p><b>this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.</b></p>	<p>own merits.</p>		
<p>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.</p> <p><i>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.</i></p>	<p>GOSSCHALKS:</p> <p>Paragraph (xix) “Betting Premises” in Appendix 2 should also be re-drafted. The second paragraph refers to the “primary use” of premises to operate this betting premises. Following recent guidance and change to the SR Code Provisions, there is no need for an investigation with regard to the use of the various facilities provided at betting premises. The simply requirement is found within SR Code Provision 9 and is that gaming machines may be made available for use in licensed betting premises only where there are substantive facilities for non-remote betting provided.</p>	<p>Have sought wording from Gambling commission. <b>Recommend</b> that the para in italics in column one is replaced with the following: <i>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.</i></p>	<p>(Page 30) Accept / reject</p>
	<p>Feedback from Gamcare: We would suggest that the Local Licensing Authority primarily consider applications from <u>GamCare Certified operators</u>. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator’s player protection measures and social responsibility standards, policy and practice</p>	<p>We do not consider this would be lawful and <b>recommend</b> that this is not added to the policy</p>	<p>Recommendation: Accept / reject</p>
<p><b>HM Revenue &amp; Customs</b></p>	<p>Feedback from HMRC As one of the responsible authorities quoted in your</p>	<p>We are happy to update the</p>	

<p>HM Revenue and Customs Excise Processing Teams Gambling Duties BX9 1GL  Tel: 0845 302 1431</p>	<p>appendices can I ask you to amend our contact telephone number to 0300 322 7072 Option 7.</p> <p>Our email address remain the same, <a href="mailto:NRUBetting&amp;Gaming@hmrc.gsi.gov.uk">NRUBetting&amp;Gaming@hmrc.gsi.gov.uk</a></p>	<p>telephone number (and email address)</p> <p><b>Recommend</b> make the necessary update to HMRC contact details</p>	<p>(page 33)</p> <p>ACCEPT / REJECT</p>
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