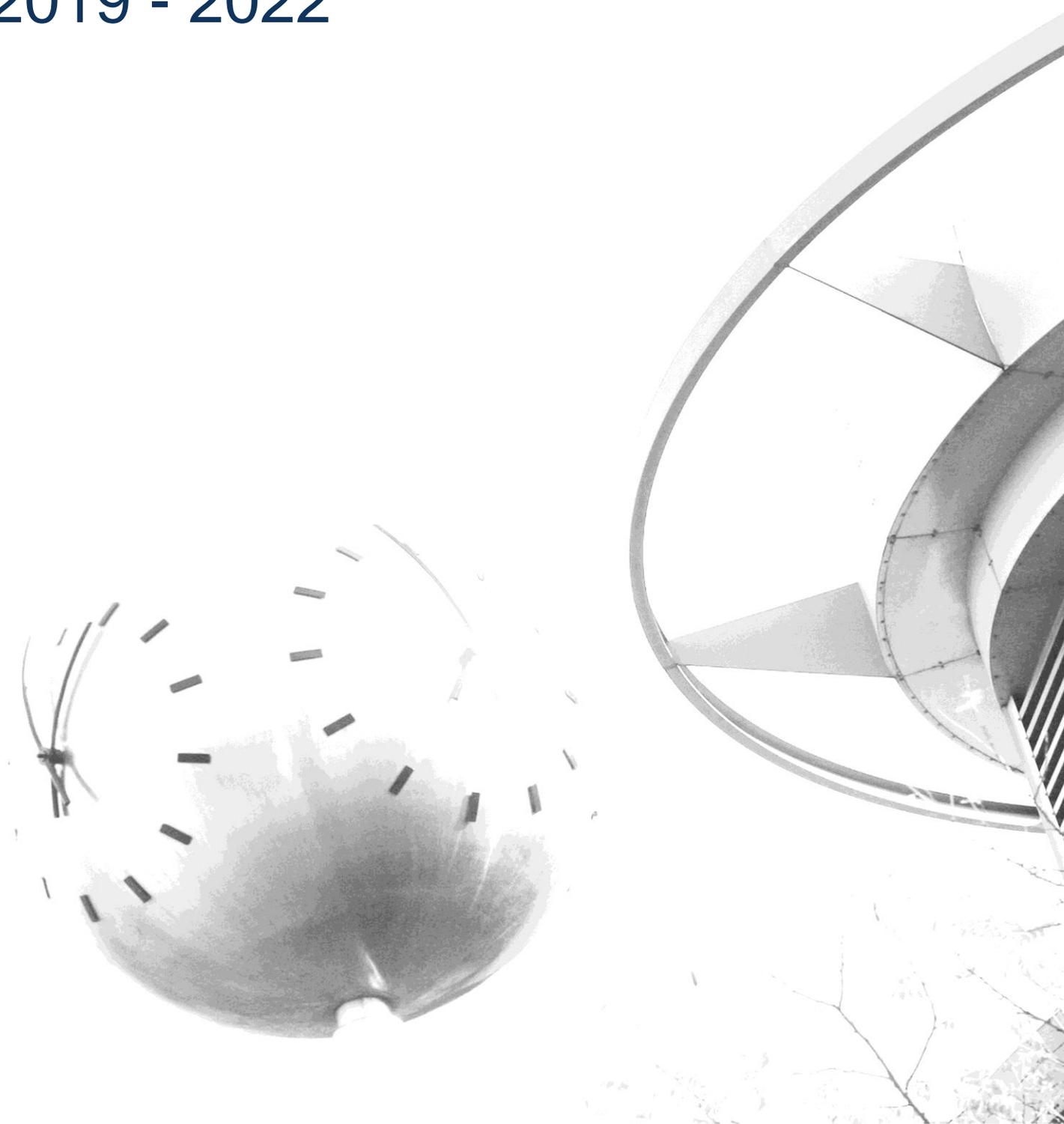


Gambling Act 2005

Final Statement of Policy 2019 - 2022



Key Information (To correspond with Covalent)

Author:	Amanda Andrews, Senior Licensing Officer
Section/Directorate:	Environmental Health, Public Spaces
Service Impact Assessment:	July 2018
<p>External Consultation: Chief Officer of Police; Essex Fire and Rescue Services; Other Essex Local Authorities Gambling Commission; Essex County Council (Child Protection Team); HM Revenue and Customs; Local Solicitors who may represent the Gambling Trade; Trade Associations who may represent the Gambling Trade including BACTA, Bingo Association, British Bookmakers, British Beer and Pub Association; Holders of Amusement with Prizes Permits; All premises licensed for the sale or supply of alcohol; Betting shops, bingo halls; Businesses known to supply gaming machines; All organisations belonging to the Council's voluntary services; Religious groups including: churches, faith groups, Salvation Army; Voluntary and support groups including Gamblers Anonymous, Money Support Trust, GamCare and the Citizens Advice Bureau; Community Groups Town and Parish Councils; Basildon Community Safety Partnership; Basildon Safeguarding Team; Inclusion and Diversity Team, including disability groups; Organisations working with people who are problem gamblers; Public Health</p>	
Internal Consultation:	Licensing Committee 20 June 2018; key officers involved in development and review of Policy throughout process
Background Information:	Gambling Act 2005; Guidance to Local Authorities issued by the Gambling Commission; Regulators' Code set out under the Legislative and Regulatory Reform Act 2006.
Policy Approval – Officer Level	Assistant Director, Public Places
Policy Approval – Member Level	Council – 06 December 2018

Policy Review Date: October 2021

Service Impact Assessment
Review Date: October 2021

Version History

<i>Version No.:</i>	<i>Period to which policy applies:</i>	<i>Review Date:</i>
1	2007 – 2009	2009
2	2010 – 2012	2012
3	2013 – 2016	2015
4	2016 – 2019	2017
5	2017 – 2019	2018
6	2019 – 2022	2021

Contents

Page/s

Section	Content	Page No.
	Foreword	5
Part A		
1.0	Introduction	7
2.0	Licensing Objectives	7
3.0	Description of the Borough	7
4.0	Responsibilities under the Act	9
5.0	Statement of Licensing Policy	10
6.0	Consultation	10
7.0	Approval of Policy	10
8.0	Declaration	11
9.0	Responsible Authorities	11
10.0	Interested Parties	11
11.0	Exchange of Information	13
12.0	Public Register	14
13.0	Compliance and Enforcement	14
14.0	Licensing Committee	15
Part B		
Premises Licences		
15.0	General Principles	17
16.0	Definition of Premises	18
17.0	Demand	18
18.0	Location	18
19.0	Local Area Profile	20
20.0	Duplication with other Regulatory Regimes	20
21.0	Licensing Objectives	20
22.0	Conditions & Plans	23
23.0	Credit	24
24.0	Betting Machines	24
25.0	Provisional Statements	25
26.0	Reviews	25
27.0	Appeals	25
28.0	Revocation of Licence	26
29.0	Adult Gaming Centres	26
30.0	Licensed Family Entertainment Centres	26
31.0	Casinos	26
32.0	Betting Machines	27
33.0	Credit in Casinos	27
34.0	Bingo Premises	27
35.0	Credit in Bingo Premises	27
36.0	Betting Premises	27
37.0	Betting Machines in Betting Premises	27
38.0	Tracks	28
39.0	Betting Machines at Tracks	28
40.0	Travelling Fairs	28

Part C	Permits	
41.0	General Principles	29
42.0	Unlicensed Family Entertainment Centre Gaming Machine Permit	29
43.0	(Alcohol) Licensed Premises Gaming Machine Permit	30
44.0	Prize Gaming Permit	30
45.0	Club Gaming and Club Machine Permit	31
Part D	Occasional/Temporary Permissions/Registrations	
46.0	Temporary Use Notices (TUN)	32
47.0	Occasional Use Notice (OUN)	32
48.0	Small Society Lotteries	32
49.0	Appendices	32
50.0	Delegation of Powers	33
51.0	Useful Contacts	33
52.0	Council Promise	33
53.0	Outcomes & Priorities	33
54.0	Links to other corporate policies & other documents	33
Appendix A	Definitions	34
Appendix B	Contact details of Responsible Authorities	42
Appendix C	Description of the Borough of Basildon	45
Appendix D	Map of the Borough of Basildon	46
Appendix E	Terms of reference and Delegation of Powers under the Gambling Act 2005	47
Appendix F	Local Area Risk Assessment Example Template	48
Appendix G	Advise for those who have difficulty understanding English	52

Foreword

The Gambling Act 2005 provides the legal framework for the licensing and regulation of commercial gambling in this Country. One of the responsibilities placed by the Gambling Act on local authorities, is to produce a Gambling Policy Statement. This is the sixth Statement of Licensing Policy (Gambling) produced by Basildon Council since the law came into effect. It provides the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years, commencing on [DATE].

In applying this policy the Council will not be promoting gambling nor will it be restricting opportunities for individuals who wish to participate in gambling. The statement simply sets out the principles that Basildon Council will apply in exercising our licensing functions under the Gambling Act. In applying the principles contained in this policy the Council seeks to work in partnership with the gambling industry and other bodies to ensure proper application of the licensing objectives of:

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

This policy has been produced in accordance with provisions of the Gambling Act, Regulations and Guidance issued by the Gambling Commission. It will be kept under review and will be amended when issues arise that make change necessary. In making decisions under this policy, the Council as the licensing authority will aim to achieve an effective balance between meeting the objectives of the Gambling Act 2005 and facilitating the sustainable economic growth of the borough.

Councillor Peter Holliman
Chairman of Licensing Committee

PART A

1.0 Introduction

1.1 Licensing Authorities are a key partner in gambling regulation, with a responsibility for overseeing non-remote gambling in their local areas. This involves:

- Setting the local framework for gambling through their statement of principles;
- Considering applications and issuing licences for premises where gambling takes place, with conditions where appropriate;
- Reviewing or revoking premises licences;
- Issuing permits for some forms of gambling; and
- Undertaking inspection and enforcement activities, including tackling illegal gambling.

1.2 This statement of Licensing Policy sets out the principles by which Basildon Borough Council, as the Licensing Authority under the Gambling Act 2005, intends to apply in discharging its functions to licence premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an 'interested party';
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting court proceedings for offences committed under the Act.

2.0 THE LICENSING OBJECTIVES

2.1 In exercising most of its functions under the Act, the Licensing Authority must have regard to the Licensing Objectives as set out in Section 1 of the Act. 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.

3.0 DESCRIPTION OF THE BOROUGH

3.1 The Basildon Borough Council is situated in the geographical County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities. The area of Basildon has a population of 174,497 (2011 census) and covers an area of 42.5 square miles. The main centres of population are in the towns of

Basildon, Billericay and Wickford. A map of the area is attached to this Policy document at Appendix D.

Note: Further description of the Borough can be found in Appendix C

4.0 RESPONSIBILITIES UNDER THE ACT

- 4.1 The Act introduced a licensing regime for gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.
- 4.2 Basildon Borough Council is the Licensing Authority for the area shown on the attached map (Appendix D), whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003.
- 4.3 The Gambling Commission is responsible for issuing Operating and Personal Licences to persons and organisations who:-
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - provide betting or act as intermediaries for betting;
 - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling machine software; or
 - promote a lottery.
- 4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are included, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. The Licensing Authority has additional responsibility for the registration of certain types of exempt Small Society Lotteries.
- 4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as it thinks it is:-
- a) in accordance with any relevant Code of Practice under Section 24 of the Act;
 - b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25 of the Act;
 - c) reasonably consistent with the Licensing Objectives (subject to paragraphs a) and b)); and
 - d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c)).

Before the Licensing Authority can determine an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

5.0 STATEMENT OF LICENSING POLICY

5.1 The Licensing Authority is required by the Act to publish a Statement of Gambling Policy which contains the principles it proposes to apply when exercising its functions under the Act.

5.2 This policy must be reviewed and published every three years. The policy must also be reviewed from 'time to time' and proposed amendments and/or additions must be subject to fresh consultation. The 'new' policy must then be published.

5.3 This policy takes effect on 31 January 2019, and replaces the policy previously in force.

6.0 CONSULTATION

6.1 In producing this policy, the Licensing Authority consulted widely before finalizing and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals.

6.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- The Chief Officer of Police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

6.3 The other groups and people consulted were:-

- Organisations working with people who are problem gamblers;
- Responsible Authorities under the Act; and
- Public Health.

6.4 Consultation took place between 02 July 2018 and 12 August 2018.

7.0 APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on 06 December 2018 and was published via its website on 20 December 2018. Copies are available on request.

7.2 It should be noted that this policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence as each case will be considered on its own merit and according to the requirements of the Act.

8.0 DECLARATION

8.1 The Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process, and will adopt the Principles of Better Regulation.

8.2 The Council recognises its responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Council's "Inclusion & Diversity Policy".

8.3 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 constituent of the Council's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the guidance or regulations issued under the Act.

9.0 RESPONSIBLE AUTHORITIES

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix B. It should be noted that under the Act, the Licensing Authority itself is designated as a Responsible Authority.

9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-

- the competency of the body to advise the Licensing Authority;
- 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 invested interest group etc.

9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, Licensing Authority designates the Essex County Council Children's Safeguarding Service, for this purpose.

10.0 INTERESTED PARTIES

10.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

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

- 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 paragraphs (a) or (b).'*

10.2 Interested parties can be persons who are democratically elected, such as Councillors and Members of Parliament. Where appropriate this will include county, parish and town councillors.

Interested parties can also be trade associations, trade unions, residents' associations and tenants' associations. Providing that these people represent those living or having business interests in the area which might be affected, no specific evidence of authorisation is required.

Otherwise, the licensing authority will generally require a third party to produce some form of authorisation to speak on behalf of the interested party.

10.3 Whether a person is an interested party will be determined on a case by case basis. The types of organisations which may be considered to have business interests will be given a wide interpretation.

10.4 In determining if a person lives or has business interests sufficiently close to the premises which means that they are likely to be affected by the authorised, the Licensing Authority will consider the following factors:-

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complainant. This does not mean the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostels for vulnerable adults;
- The catchment area of the premises (i.e. how far people travel to visit); and

- whether the person making the representation has business interests in that catchment area that might be affected.

10.5 The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:-

- It is not frivolous or vexatious;
- It raises issues that relate to Guidance issued by the Gambling Commission;
- It raises issues that relate to this policy;
- It relates to the Licensing Objectives

11.0 EXCHANGE OF INFORMATION

11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- the provisions of the Act, which include the provision that the General Data Protection Regulations 2018 will not be contravened;
- the guidance issued by the Gambling Commission;
- relevant Legislation and Regulations.

11.2 In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force;
- An enforcement officer;
- A licensing authority;
- Her Majesty's Revenue and Customs;
- The Gambling Appeal First Tier Tribunal;
- The Secretary of State;
- Scottish Ministers; and
- Any other person or body designated by the Secretary of State in accordance with the Act.

11.3 The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

11.4 When undertaking any data sharing exercise, regard shall be had to the relevant provisions contained in data protection laws, including under the General Data Protection Regulations.

12.0 PUBLIC REGISTER

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13.0 COMPLIANCE AND ENFORCEMENT

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice. This requires that actions should be:

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – The Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme. All enforcement action is taken having regard to the Regulatory Services Enforcement Policy.

13.3 The main enforcement and compliance role of the Licensing Authority, in terms of the Gambling Act, is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission is the enforcement body for Operating and Personal Licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

13.4 The Licensing Authority will keep itself informed of developments as regards to the Better Regulation Approach that recognises the requirements of the Statutory Regulators Code and applies the principles of proportionality and transparency.

13.5 Where appropriate complaints will be investigated in accordance with the stepped approach outlined in the Regulatory Services Enforcement Policy. A copy of this document is available on the Council's website. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.

13.6 As part of its ongoing inspection regime, the Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. Where operators carry out their own test purchasing, the Licensing Authority expect to be advised of the results. Should the results show a failure then the Licensing Authority will, in the first instance work with the operator to review and improve their policies and procedures.

13.7 Where there is a Primary Authority Scheme in place (see Appendix A), the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:-

- Coral – London Borough of Newham
- Ladbrokes – Milton Keynes
- Paddy Power – Reading
- William Hill – City of Westminster

14.0 LICENSING COMMITTEE

14.1 The Committee is composed of 10 Councillors. A contested application will be heard by a sub-committee comprising 3 members of the Licensing Committee or a quorum as required by the Council's constitution.

14.2 When considering applications the sub-committee will have regard to this Policy, statutory guidance, the Act and any regulations and the licensing objectives.

14.3 Each application is considered on its individual merits.

14.4 Should the sub-committee decide to approve the application the mandatory licence conditions must be applied, for all, or some classes of licence. Default conditions, as prescribed in regulations, must be applied to all or some classes of licences unless excluded by the Licensing Authority. In addition, the sub-committee will determine whether it is appropriate to attach other conditions to a licence to secure achievement of the licensing objectives. Any such conditions will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises.

14.5 Condition imposed by the Licensing Authority must be proportionate to the circumstances that they are seeking to address. In particular, the Licensing Authority will ensure that the premises licence conditions:

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

Certain conditions are not permitted. These are:

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

14.6 Conditions which seek to control the range or nature of activities within the premises, or which are designed to reduce the potential for anti-social behaviour, may be necessary. Such conditions may also seek to directly impact upon the behaviour of customers on, or within the immediate vicinity of, the premises.

14.7 The Licensing Authority will avoid attaching conditions which duplicate other regulatory regimes wherever possible.

14.8 A list of which matter will be dealt with at committee and those which are delegated to licensing officers can be found at appendix E.

PART B - PREMISES LICENCES

15.0 GENERAL PRINCIPLES

- 15.1 Premises Licences are subject to the permissions/restrictions set out in the Gambling Act as well as the specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is thought appropriate.
- 15.2 In accordance with section 150 of the Gambling Act, premises licences can authorise the provision of facilities on:
- Casino premises;
 - Bingo premises;
 - Betting premises, including tracks and premises used by betting intermediaries;
 - Adult gaming centre premises (for category B3, B4, C and D machines);
 - Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).
- 15.3 Each case will be decided on its merits, and will depend upon the type of gambling that is proposed as well as taking into account how the applicant proposes that the Licensing Objective concerns can be promoted and addressed.
- 15.4 The Licensing Authority is required by the Gambling Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:
- a) in accordance with any relevant Licence Conditions and Codes of Practice (LCCP) under section 24 of the Act;
 - b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
 - c) reasonably consistent with the Licensing Objectives (subject to paragraphs a) and b)); and
 - d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c)).
- 15.5 It is important for the Licensing Authority to have clear guidelines as to how we will make decisions about premises licence applications. In this way, we can be consistent and ensure the council has clear reasons for decisions taken.

16.0 DEFINITION OF PREMISES

- 16.1 In the Gambling Act 'premises' are defined as including 'any place'. It is for the Licensing Authority (having due regard for the Gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.
- 16.2 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

17.0 DEMAND

- 17.1 Demand is a commercial consideration and is not an issue for the Licensing Authority.

18.0 LOCATION

- 18.1 Location will only be a material consideration in the context of the Licensing Objectives.
- 18.2 The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the objective of protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 18.3 In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would take into account the local circumstances.. On 6 April 2016, it became a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, that licensees assess the local risks to the licensing objectives posed by the provisions of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters in this policy.
- 18.4 The LCCP also states that licensees must review (and update as necessary) their local risk assessments:-
- a) to take account of significant changes in local circumstances, including those identified in this policy;
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c) when applying for a variation of a premises licence; and
 - d) in any case, undertake a local risk assessment when applying for a new premises licence.

18.5 The Licensing Authority expects the local risk assessment to consider as a minimum:-

- whether the premises is in an area of deprivation;
- whether the premises is in an area subject to high levels of crime and/or disorder;
- the ethnic profile of residents in the area, and how game rules, self-exclusion leaflets etc. are communicated to those groups;
- the demographics of the area in relation to vulnerable groups;
- the location of services for children such as schools playgrounds, toy shops, leisure centres and other areas where children will gather.

18.6 In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies are protected.

18.7 Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the locations and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to the games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines.

18.8 The Licensing Authority expects all licensed premises' to have their local area risk assessment available on site for inspection by an authorised officer at all times when they are trading.

18.9 Such information may be used to inform the decision the council makes about whether to grant a licence, to grant a licence with special conditions or refuse an application.

18.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

19.0 LOCAL AREA PROFILE

- 19.1 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Licensing Authority has published a local area profile (LAP). *The LAP is published as a separate document to this policy and does not form part of it. The LAP may be reviewed by the Licensing Authority at any time. Such a review would not constitute a review of this policy.*
- 19.2 The LAP should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the LAP and assessment, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing sub-committee when they determine an application that has received representations. The LAP should not be taken as the definitive overview of a particular area and applicants are encouraged to use their own local knowledge in addition to the content of the LAP to inform their local risk assessments.
- 19.3 The Licensing Authority recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the LAP should be alert to the risk that they may face additional representations and the expense of a hearing as a result. A template of a suggested local risk assessment form is included at Appendix F. Applicants and licence holders may use this template or create their own.

20.0 DUPLICATION WITH OTHER REGULATORY REGIMES

- 20.1 Duplication with other statutory/regulatory regimes will be avoided where possible. The Licensing Authority will not consider whether a licence application is likely to be granted Planning Permission or Building Control consent.

21.0 LICENSING OBJECTIVES

- 21.1 Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these objectives, the following will be considered:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime – Basildon Council** is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.

Where an area has known high levels of organised crime, Basildon Council will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of Door Supervisors.

- **Ensuring that gambling is conducted in a fair and open way –** The Gambling Commission does not generally expect Licensing Authorities to be concerned with

ensuring that gambling is conducted in a fair and open way. However, the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or substance misuse of alcohol or drugs.

The Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and vulnerable persons from being harmed or exploited by gambling. The Licensing Authority will consider very carefully the location of the premises as it may be a significant factor if for example the premises are located close to schools, centres for gambling addicts or residential areas where there may be a high concentration of families with children, or other sensitive premises.

Persons under 18 cannot be admitted to many types of gambling premises. New gambling premises or variations to existing premises that are in close proximity to schools or main routes to schools will expect the applicant to have carefully considered their operation and any potential for exposing children and young people to gambling. The Licensing Authority will fully scrutinise the control measures outlined in an operator's local area risk assessment in this regard.

The Licensing Authority will consider whether specific measures are required at particular premises, with regard to this objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

The Gambling Commission's Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- Combating problem gambling;
- Access to gambling by children and young persons;
- Information on how to gamble responsibly and help problem gamblers;
- Customer interaction;
- Self-exclusion;
- Employment of children and young persons.

Basildon Council may want to consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default condition or those proposed by the applicant:

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet;

- Training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons;
- Self-exclusion schemes;
- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people;
- Posters and leaflets with GamCare Helpline and website displayed in prominent locations;
- External advertising to be positioned or designed not to entice passers-by.

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LPPC) that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

SAFEGUARDING CHILDREN AND VULNERABLE PERSONS AGAINST EXPLOITATION

The Licensing Authority is committed to protecting children and vulnerable persons from harm. Whilst gambling is an activity mainly carried out by adults, that does not stop children and vulnerable persons frequenting certain premises and partaking in particular activities i.e. amusement arcades etc., where they may be more vulnerable to being exploited if appropriate controls are not in place. Applicants should be equally aware of children or vulnerable persons in the proximity of the premises that may be waiting for, or seeking older persons.

Applicants are encouraged to ensure that suitable management controls are in place to safeguard children and vulnerable persons against the risk of exploitation as a part of addressing licensing objectives. Measures may include, but are not limited to:

- Awareness training for staff to ensure that they are fully aware of the signs of exploitation and to understand that the exploitation of a child or vulnerable person is abuse and a crime;
- Regular patrols of the premises, including external areas and the immediate proximity, to identify any children and vulnerable persons;
- Close monitoring of patrons as they leave the premises;
- Provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their area.

The Licensing Authority expects applicants to be aware of 'risk indicators' of exploitation which include, but are not limited to:

- Developing relationships between a child/vulnerable person and an older/other person;
- Children/vulnerable persons in the company of a group of older/other persons;
- Children/vulnerable persons regularly attending premises and meeting with a number of different older/other persons, particularly where older/other persons may be facilitating gambling for children/vulnerable persons;
- Children/vulnerable persons outside of licensed premises developing relationships with an older/other person, particularly older/other persons facilitating gambling for children/vulnerable persons;
- Children/vulnerable persons leaving the locality of the premises with older/other persons, particularly with a group of older/other persons;

- Children/vulnerable persons looking uncomfortable in the company of, or leaving with, older/other persons, particularly groups of older/other persons.

Whilst the Licensing Authority does not wish to create the impression that all contact between children/vulnerable persons and older/other persons is inappropriate, it is strongly of the view that licence holders should be aware of the risks of exploitation and should proactively manage their premises to minimise risks.

MULTI-OPERATOR SELF EXCLUSION

All non-remote operators are required to participate in a multi-operator self-exclusion scheme. Self-exclusion is widely accepted as an important harm minimisation tool for customers who have recognised that they have a problem with their gambling and wish to be supported in their decision to stop. The multi-operator scheme allows an individual to make a single request to self-exclude from the same type of gambling within their area. Details of how to contact the relevant trade bodies to obtain information about how to register and participate in the multi-operator self-excluding scheme that is relevant to a business can be found on the Gambling Commission website – www.gamblingcommission.gov.uk

22.0 CONDITIONS & PLANS

22.1 The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises, Basildon Council may consider attaching individual conditions to premises licences that are related to the licensing objectives.

22.2 Any conditions attached to Licences will be proportionate and will be:-

- relevant to the need to make the proposed premises 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.

22.3 In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:

- Proof of age schemes
- Closed Circuit Television
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entrances;
- Notices and signage;
- The training of staff to deal with suspect truants and vulnerable persons;
- Specific opening hours; and

- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare.

22.4 It is recognised that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:

- any conditions on the Premises Licence which make 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 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, and the winning of prizes.

23.0 CREDIT

23.1 Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

24.0 BETTING MACHINES [SEE APPENDIX A FOR DEFINITION]

24.1 In relation to Casinos, Betting Premises and Tracks, Basildon Council can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*).

24.2 When considering whether to impose a condition to restrict the number of betting machines in particular premises, Basildon Council, among other things, shall take into account:

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

24.3 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of Codes of Practice or Guidance issued under the Gambling Act.

24.4 In all applications where a plan is required to be submitted, the Licensing Authority's expectation is that, it will be in a scale of 1:100 unless otherwise agreed in writing and that, as a minimum, it will show the following (as appropriate to the type of application):-

- The extent of the proposed licensed area;
- All entry and exit points (including fire exits);
- CCTV camera positions;

- Positions of betting terminals, high pay out machines (including fixed odds betting terminals) and ATM's;
- Any fixed or permanent structures including counters;
- Privacy screens (see also section 37.5 of this policy)
- All unlicensed areas under the control of the premises of the licensee including any 'sterile area's' and toilet and kitchen facilities be they for staff or public use.

25.0 PROVISIONAL STATEMENTS

25.1 An application for a provisional statement may be made in respect of premises which the applicant:

- expects to be constructed;
- expects to be altered;
- expects to acquire a right to occupy.

25.2 The applicant should refer to the Gambling Act and the detailed information provided in the Guidance.

26.0 REVIEWS

26.1 Application for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.

26.2 It is for the Licensing Authority to decide whether the review is to be carried out. This decision will generally be on the basis of whether the request for the review is relevant to the matters listed below:

- Whether the grounds for the request raises issues relevant to the principles to be applied by the Licensing Authority and set out within the Licensing Authority Statement of Policy;
- whether the grounds for the request are frivolous or vexatious
- whether the grounds for the request would certainly not cause the Authority to alter/revoke/suspend the premises licence;
- whether the grounds for the request are substantially the same as previous representations or requests for a review;
- In accordance with any relevant codes of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives.

26.3 In accordance with the Guidance, the Licensing Authority can also initiate a review of a Licence on the basis of any reason which it thinks is appropriate.

26.4 There is no appeal, other than by way of Judicial Review, against the Licensing Authority's determination of the relevance of an application for review.

27.0 APPEALS

27.1 An appeal may be made to the Magistrates' Court against a decision of the Licensing Authority. The appeal must be made within 21 days of being notified of the decision to be appealed against.

27.2 The following may appeal:-

- The applicant;
- A Responsible Authority or any person who made relevant representations;
- In the case of a review, the holder of the licence or permit being reviewed

28.0 REVOCATION OF LICENCES

28.1 If an annual fee payment has not been made by the specific deadline the Licensing Authority will contact the licensee and advise them of the need to make the payment immediately. If the annual fee is not made then the Licensing Authority will take the required steps which will be to revoke the Gambling Act 2005 Premises Licence or Permit.

28.2 If the licensable activity continues whilst a licence is revoked the Licensing Authority will start enforcement action for the relevant offence of operating without the correct permission being in place. It should be noted that some of the punishment relating to providing licensable activities without the required permission can include imprisonment or very large fine or both.

29.0 ADULT GAMING CENTRES

29.1 An Adult Gaming Centre is defined in Appendix A. Entry to these premises is age restricted.

29.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

30.0 LICENSED FAMILY ENTERTAINMENT CENTRES

30.1 A licensed Family Entertainment Centre is defined in Appendix A. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

30.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

31.0 CASINOS

31.1 A casino is defined in Appendix A. Entry to these premises is age restricted.

31.2 The Licensing Authority is empowered to pass a resolution not to issue new licences for casinos in its area. Basildon Council, as the Licensing Authority, has adopted a policy that:

- Each application for a Casino will be considered on its own merit.

31.3 In making this decision Basildon Council consulted widely on this specific issue.

32.0 BETTING MACHINES

- 32.1 Conditions may be imposed in accordance with paragraphs 23.0.
- 32.2 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Gambling Act.

33.0 CREDIT IN CASINOS

- 33.1 Credit facilities are prohibited in casinos; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

34.0 BINGO PREMISES

- 34.1 Bingo is defined in Appendix A. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 34.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

35.0 CREDIT IN BINGO PREMISES

- 35.1 Credit facilities are prohibited in premises licensed for Bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

36.0 BETTING PREMISES

- 36.1 Betting is defined in Appendix A. Entry to these premises is age restricted.
- 36.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

37.0 BETTING MACHINES IN BETTING PREMISES

- 37.1 Conditions may be imposed in accordance with paragraphs 23.0.
- 37.2 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Gambling Act.
- 37.3 Fixed Odds Betting Terminals (FOBT's)
- 37.4 In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's have on vulnerable groups of adults, the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation

to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

- 37.5 The Licensing Authority expects FOBT's to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially code 9.11.1.

NOTE: At the time of drafting this policy, Government were consulting on the review of gaming machines and other social responsibility measures. Government have since taken the decision to reduce the maximum stakes on FOBT's from £100 to £2. No change in prize level has been proposed so it will remain at £500 which will make B2 machines the same stakes and prizes as B3 machines. There is no intention to change the stakes and prizes on any other category of machine and it is proposed that there will be increased player protections on B1 and B3 machines. In regards to the maximum stakes on B2 gaming machines, changes will be through regulations in parliament. It is unknown how quickly the B2 changes will come into force but there would need to be a lead in time to allow operators to make any necessary amendments to their machines.

38.0 TRACKS

- 38.1 A track is defined in Appendix A. Entry to these premises may be age restricted. Please refer to the Gambling Commission Guidance
- 38.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

39.0 BETTING MACHINES AT TRACKS

- 39.1 Conditions may be imposed, in accordance with paragraphs 23.0.
- 39.2 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Gambling Act.

40.0 TRAVELLING FAIRS

- 40.1 The facilities for gambling (being category D machines and/or equal chance prize gambling without a permit) must amount to no more than an ancillary amusement at the fair. The Licensing Authority will determine whether this requirement is being met.

PART C - PERMITS

41.0 GENERAL PRINCIPLES

41.1 The Gambling Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine permits, the Licensing Authority can only grant or reject an application for a permit. No conditions may be attached.

42.0 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

42.1 Where a premises does not hold a Premises Licence but wishes to provide Gaming machines, it can apply to the Licensing Authority for a Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

42.2 The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority. Full details can be found in section 22.0.

42.3 The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A Disclosure and Barring check for the applicant and the person having the day to day control of the premises;
- Proof of age schemes;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises, or
 - children causing perceived problems on/around the premises.
 - suspect truant children.

In addition, applicants should be able to demonstrate a full understanding of the maximum stakes and prizes (and that staff are suitably trained in this respect).

43.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

43.1 There is provision in the Gambling Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D via notification to the Licensing Authority.

43.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

43.3 Premises restricted to selling alcohol only with food, will not be able to have gaming machines or apply for a Permit.

43.4 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets **and/or** help line numbers for organisations such as GamCare.
- Relevant Codes of Practice issued by the Gambling Commission.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

44.0 PRIZE GAMING PERMITS [SEE APPENDIX A FOR DEFINITION]

44.1 The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A Disclosure and Barring check for the applicant and the person having the day to day control of the premises; Proof of age schemes;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises;
 - children causing perceived problems on/around the premises;

- Suspected truant children.

In addition applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect).

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

45.0 CLUB GAMING AND CLUB MACHINE PERMITS

45.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

45.2 Commercial clubs may apply for a club machine permit, subject to restrictions.

45.3 The gambling provided under the authority of a club gaming permit must also meet the following conditions:-

(a) in respect of gaming machines:

- No child or young person may use a category B or C machine on the premises;
- That the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.

(b) The public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

45.4 Section 273 of the Gambling Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

PART D – OCCASIONAL AND TEMPORARY PERMISSIONS

46.0 TEMPORARY USE NOTICES (TUN)

46.1 A TUN is defined in Appendix A.

46.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations issued by the Secretary of State prescribe the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

46.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

46.4 The definition of “a set of premises” will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

46.5 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

47.0 OCCASIONAL USE NOTICES (OUN)

47.1 Occasional Use Notices are defined in Appendix A.

47.2 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

47.3 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

48.0 SMALL SOCIETY LOTTERIES

48.1 The definition of a Small Lottery is contained within Appendix A and these require registration with the Licensing Authority.

49.0 APPENDICES

The following appendices have been attached to this Statement providing further information and guidance and they are intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority’s policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act, or the guidance or regulations issued under the Gambling Act.

50.0 DELEGATION OF POWERS

50.1 *The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Appendix E.*

51.0 USEFUL CONTACTS

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website www.gamblingcommission.gov.uk. Some of these organisations provide codes of practice on their particular interest area.

52.0 COUNCIL PROMISES

The table below provides a visual display of how this Policy will impact on the delivery of the five corporate promises.

Corporate Promises	Levels of Impact			
	High	Medium	Low	None
Strong, safe and healthy communities with access to quality homes				X
Vibrant town centres and a thriving economy for everyone	X			
Enhanced local environment and increased pride in our borough	X			

53.0 OUTCOMES AND PRIORITIES

This policy seeks to achieve the following Outcomes and Priorities:

Outcomes – a balanced and transparent approach to the licensing of gambling establishments which is understood by all relevant stakeholders.

Priorities – ensuring that stakeholders have a clear understanding of how to make an application and how licensing decisions are taken by Basildon Council.

54.0 LINKS TO OTHER CORPORATE POLICIES OR PARTNER DOCUMENTS

- The Community Strategy
- Basildon Borough Council Corporate Plan
- Equality and Diversity Policy
- Basildon Local Plan
- Regulatory Services Enforcement Policy
- Basildon Borough Council Safeguarding Policy
- Community Safety Partnership “Reducing Crime and Anti-Social Behavior in the Basildon Borough”

DEFINITIONS

Appendix A

<p>ATM</p>	<p>Auto teller machine or cash machine</p>
<p>Adult Gaming Centre</p>	<p>Premises in respect of which an Adult Gaming Centre Premises Licence has effect.</p>
<p>Authorised Local Authority Officer</p>	<p>A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority’s area.</p>
<p>Betting</p>	<p>In this Act “Betting” means making or accepting a bet on-</p> <ul style="list-style-type: none"> (a) the outcome of a race, competition or other event or process; (b) the likelihood of anything occurring or not occurring, or (c) whether anything is or is not true.
<p>Betting Machines</p>	<p>A machine designed or adapted for use to bet on future real events (not a Gaming Machine).</p>
<p>Bingo</p>	<p>Bingo is not given a statutory definition in the Act other than that it means any version of the game irrespective of by what name it is described. It is to have its ordinary and natural meaning. Two types of bingo are commonly understood:</p> <ul style="list-style-type: none"> • cash bingo, where the stakes paid make up the cash prizes that are won • prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution in relation to a Casino Premises Licence
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D)
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> • Automatic provision • Regulations provided by Secretary of State • Conditions provided by Gambling Commission • Conditions provided by Licensing Authority <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default Conditions	Conditions, prescribed in regulations that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.

Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission.</p> <p>There are four types:</p> <ul style="list-style-type: none"> • Small Society Lottery (required to register with Licensing Authorities. • Incidental Non-Commercial Lotteries • Private Lotteries • Customer Lotteries
Family Entertainment Centre	<p>There are two types of FEC:-</p> <ul style="list-style-type: none"> • A license FEC (i.e. one with a premises licence) has no limit on the number of category C and D machines permitted • An unlicensed FEC (i.e. one with a Permit) has not limit on the number of category D machines permitted
Fixed Odds Betting Terminals (FOBT's)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. (Betting Shops) FOBT's have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

<p>Gaming & game of chance</p>	<p>In the Gambling Act 'gaming' means playing a game of chance for a prize.</p> <p>And "game of chance"-</p> <p>(a) Includes-</p> <p>(i) A game that involves both an element of change and an element of skill;</p> <p>(ii) A game that involves an element of change that can be eliminated by superlative skill, and</p> <p>(iii) A game that is presented as involving an element of chance, but</p> <p>(b) Does not include a sport</p>
<p>Gaming Machine</p>	<p>Machine covering all types of gambling activity, including betting on virtual events, but not including home computers event though users can access online gambling websites.</p>
<p>Guidance to Licensing Authorities</p>	<p>Guidance issued periodically by the Gambling Commission</p>
<p>Incidental Non Commercial Lottery</p>	<p>A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events (commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance).</p>
<p>Lottery</p>	<p>An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.</p>
<p>Members Club</p>	<p>A club, as defined by the Licensing Act 2003, that must</p> <ul style="list-style-type: none"> • have at least 25 members; • be established and conducted 'wholly or mainly' for purposes other than gaming;

	<ul style="list-style-type: none"> • be permanent in nature; • not established to make commercial profit; • be controlled by its members equally.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-money prize machine	<ul style="list-style-type: none"> • A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: <ul style="list-style-type: none"> (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use; or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.
Occasional Use Notice (OUN)	Betting may be permitted on a 'track' by an OUN without the need for a full Premises Licence.
Odds	The ratio to which a bet will be paid if the bet wins e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off Course Betting	Betting that takes place other than at a track i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in a self-contained betting premises with the track premises providing facilities for off course betting i.e. on other events, not just those taking place on the track. Normally operates only on race days.

On Course Betting – Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non-remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting – Tracks	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) shall be divided among the winners or 3) shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race betting if it relates to horse-racing in Britain.
Primary Authority (PA) Scheme	The PA scheme is administered by the Office for Product Safety and Standards and provides for a statutory partnership to be formed between a business and a single authority, e.g. a local authority. That single authority, the PA, can provide assured advice to that company to which other licensing authorities then have to have regard. A national inspection strategy within which other local regulators can operate and also be prepared, to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The PA scheme therefore aims to ensure that local regulation is consistent at the national level.

<p>Private Lotteries</p>	<p>There are three types of Private Lotteries:</p> <ul style="list-style-type: none"> • Private Society Lotteries – tickets may only be sold to members of the Society or person who are on the premises of the Society; • Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises; • Residents’ Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.
<p>Prize Gaming</p>	<p>Where 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. The prizes will be determined by the operator before play commences.</p>
<p>Prize Gaming Permit</p>	<p>A permit to authorise the provision of facilities for gaming with prizes on specific premises.</p>
<p>Regulations or Statutory Instruments</p>	<ul style="list-style-type: none"> • Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
<p>Representations</p>	<p>In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time e.g. during a designated notice period.</p>

Responsible Authorities	Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences. Full details of Responsible Authorities for the Borough are contained within Appendix B to this policy.
Skill machine / Skill with prizes machine	<ul style="list-style-type: none"> The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house (whether the house could be a gaming machine).
Table gaming	Card games played in a casino.
Temporary Use Notice (TUN)	To 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.

Tote (or Totaliser)	“Tote” is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that ‘wholly or principally’ provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined as trains, aircraft, sea places and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Virtual Betting	Machine that takes bets on virtual races, i.e. mages generated by computer to resemble races or other events.
Vulnerable Persons	<p>No set definition, but likely to mean groups to include people who:-</p> <ul style="list-style-type: none"> • Gamble more than they want to; • Gamble beyond their means; • Who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
Young Person	An individual who is not a child but who is less than 18 years old.

CONTACT DETAILS OF RESPONSIBLE AUTHORITIES.

Appendix B

Applications for a Premises Licence must be sent to the Licensing Authority and **all** the Responsible Authorities listed.

Applications for Temporary Use Notice (TUN) should be sent to The Licensing Authority, Essex Police, The Gambling Commission and H.M Commissioners of Customs and Excise.

Applications for Occasional Use Notices (OUN) should be sent to the Licensing Authority and Essex Police.

- The Licensing Authority ~ Basildon Borough Council
The Basildon Centre
St. Martins Square
Basildon
Essex
SS14 1DL
Phone: 01268 206925
Email: licensing@basildon.gov.uk

- Essex Police ~ The Licensing Department (Alcohol & Gambling)
Blythes Meadow
Braintree
Essex
CM7 3DJ
Phone: 01245 452035
Email: licensing.applications@essex.pnn.police.uk

- Essex County Fire and ~ Technical Fire Safety Department
South West Group Service Delivery Point
C/O Fire Station
Broadmayne
Basildon
Essex
SS14 1EH
Phone: 01376 576500
Email: southwestgroupsdp@essex-fire-gov-uk
website www.essex-fire.gov.uk (Selecting
Business Safety)

- The Local Planning Authority ~ Development Control Officer
The Basildon Centre
St Martin's Square
Basildon
Essex SS14 1DL
Phone: 01268 533333
Email: planning@basildon.gov.uk
Website: www.basildon.gov.uk

- The Gambling Commission ~ Victoria Square House
Victoria Square
Birmingham
B2 4BP
Phone: 0121 2306500
Website: www.gamblingcommission.gov.uk

- Environmental Protection Team ~ Environmental Health Manager
The Basildon Centre
St Martin's Square
Basildon
Essex SS14 1DL
Phone: 01268 533333
Email: ehs@basildon.gov.uk
Website: www.basildon.gov.uk

- The Body Responsible for the Protection of Children from Harm ~ Essex County Council
Children's Safeguarding Service
70 Duke Street
Chelmsford
Essex CM1 1JP
Phone: 03330 134076
Email: licenceapplications@essexcc.gov.uk
Website: www.escc.co.uk/working-with-children/licensing-guidelines/

- H M Revenue and Customs ~ Excise Processing Teams
BX9 1GL
Phone: 0300 322 7072 (Option 7)
Email: NRUBetting&Gaming@hmrc.gsi.gov.uk

Any further enquires or assistance can be obtained from the Licensing Authority on the email address or telephone number given above. These addresses were correct at the time of going to press but are subject to change without notice. Any change made will not form part of a review of the Council's Statement of Licensing Policy.

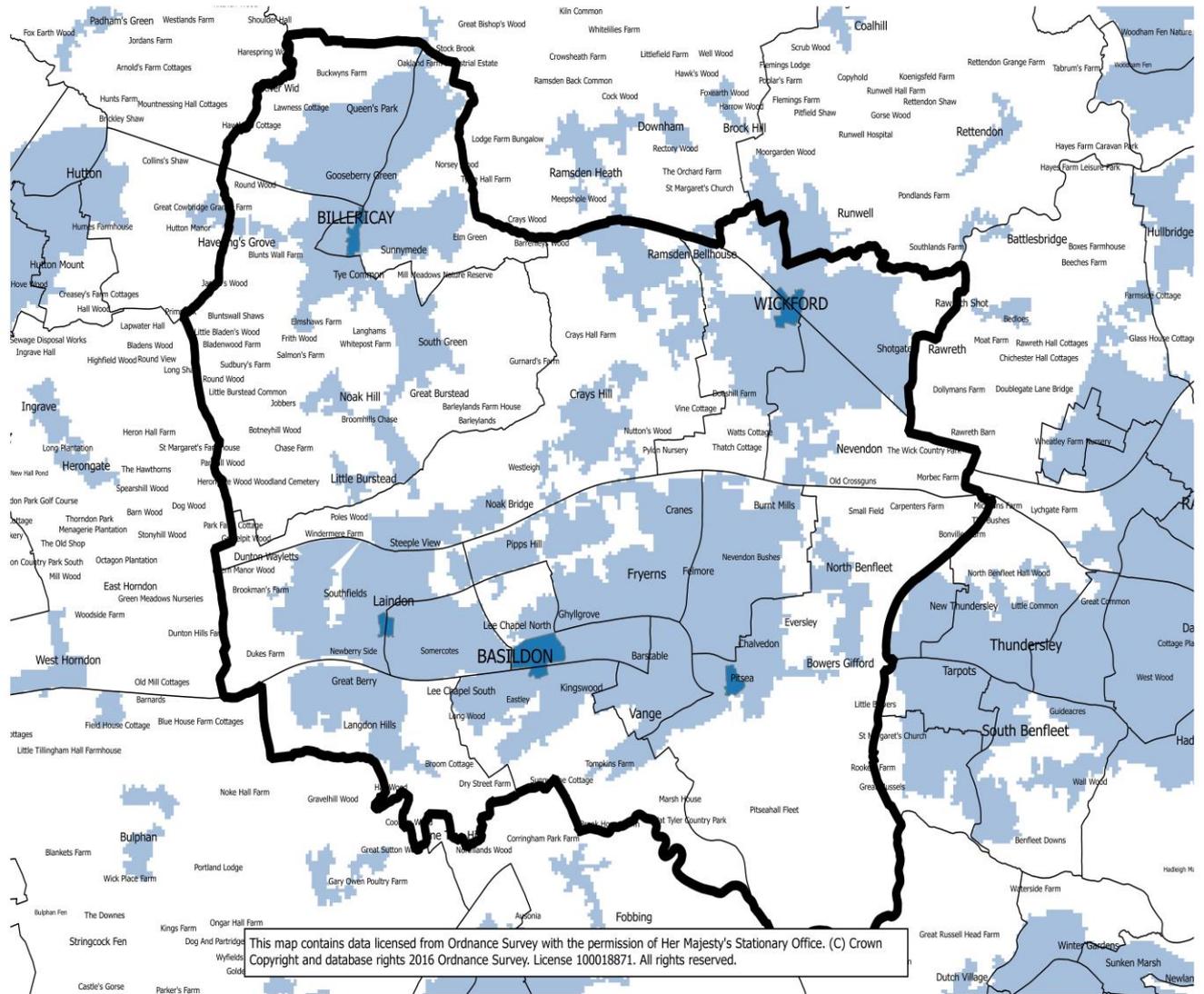
DESCRIPTION OF THE BOROUGH

Appendix C

- Basildon was formed in 1974 and includes towns of Basildon, Billericay and Wickford.
- Basildon Borough is the second largest area in Essex by population with excellent road and rail links to London, the rest of the county and South East England, Basildon has much to offer.
- Only seven miles of major roads separate Basildon from the M25, and the Channel ports and tunnel are within easy reach. Stanstead and Southend airports are within 45 minutes' drive and Gatwick airport is just over an hour away.
- Basildon was designated a new town in 1949 to cope with the growing population of East London. The town was formed from the smaller surrounding towns of Laindon, Pitsea and Vange. It is now a centre of a thriving business community with a vibrant regional shopping centre.
- In contrast, Billericay is a semi-rural town with combinations of a historic and modern feel. It retains some of its old world charm, yet has a thriving industrial estate and modern shopping facilities and services.
- Wickford has expanded rapidly in recent years with several new industrial estates being created and thousands of new homes built in the Wick and Shotgate, accounting for a third of homes in the town. Wickford is continuing work on improving the town centre where it is currently going through regeneration plans.
- The Borough offers a broad range of sports and leisure activities, which include the Festival Leisure Park, the par 72 golf course at Kingswood and the country parks in Basildon, Billericay, Langdon Hills and Wickford.
- Basildon is a major player in the Thames Gateway region which is a propriety area for regeneration, and recognised as the business and economic hub of South Essex.
- The Borough has a varied nightlife consisting of restaurants, public houses, clubs and hotels.

To date, the Licensing Authority has issued Premises Licences for 2 Bingo, 2 Adult Gaming Centres and 23 Betting Premises.

MAP OF THE BOROUGH OF BASILDON



- 1 In relation to licensing functions the panels will consider applications for licences, where representations have been received and not withdrawn, and applications for the review of licences, covered by the Gambling Act 2005. These are:
 - a) Application for Premises Licence.
 - b) Application for Variation of Premises Licence.
 - c) Application for Transfer of Premises Licence.
 - d) Application for a Provisional Statement.
 - e) Application for a Club Gaming/Club Machine Permit.
 - f) Application for other permits.
 - g) Cancellation of a Licensed Premises Gaming Machine Permit.
 - h) Consideration of a Temporary Use Notice (including the issue of Counter Notices under Section 218).
 - i) To make representations in respect of applications.
 - j) To apply for reviews and make representations in respect of reviews.
 - k) To determine the validity of representations made under the Act.
 - l) In respect of applications for more than the automatic entitlement to two category C or D AWP machines in licence premises, that the current policy to refer application for more than 2 machines to the committee be discontinued, on the basis that , as the Licensing Authority is a Responsible Authority, representations against applications of concern, can be made by officers.
 - m) That subject to Regulations permitting, that in the case of an application for a review, that if all parties reach agreement before the hearing, that the licence is modified without the need for a hearing.

LOCAL AREA RISK ASSESSMENT EXAMPLE TEMPLATE

1: Local Area			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
1.1			Systems
			Design
1.2			Physical
			Systems
1.3			Design
			Physical

2: Gambling Operation			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
2.1			Systems
			Design
			Physical
2.2			Systems
			Design
			Physical
3.3			Systems
			Design
			Physical

3: Internal and External Premises Design			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
3.1			Systems
			Design
3.2			Physical
			Systems
3.3			Design
			Physical

Actions following assessment:			
1: Local Area			
Action	Person/Dept tasked	Date tasked	Date completed
2: Gambling Operation			
Action	Person/Dept tasked	Date tasked	Date completed
3: Internal and External Premises Design			
Action	Person/Dept tasked	Date tasked	Date completed

Signed:		Date:	
---------	--	-------	--

Print Name:	
-------------	--

The Basildon Council and service specific GDPR Privacy Notices are available at www.basildon.gov.uk/privacy

Notes: In addition to the requirement for existing licence holders to have a local area risk assessment, this risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

Risks: Area of consideration that may impact on one or more of the licensing objectives
 Local Risks: These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises

Licensing Objectives: these are the three licensing objectives under the Gambling Act 2005 to which the risk factors have been identified as potentially impacting. For ease of reference within this assessment the objectives have been given codes that should be used to replace the full objective. These codes are CD for the Crime and Disorder objective, FO for the Fair and Open objective and CV for the protection of children and the vulnerable.

Control Measures: These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors. These control measures are split into three categories, systems, design and physical.

The fact that there are three subsections in each section of the template should not be taken to suggest that you should limit your assessment to three risks for each section. The above template is an example only. You are at liberty to use your own design.

Monday to Friday
10am to 5pm



Basildon Council
BASILDON • BILLERICAY • WICKFORD

For translations, Large Print and Braille please call

Para obtener traducciones, por favor llame al número (Spanish)

অনুবাদের জন্য দয়া করে ফোন করুন (Bengali)

Aby uzyskać pisemne tłumaczenie proszę dzwonić pod numer (Polish)

如需翻译，请拨打 (Mandarin)

O překlad prosím zavolejte (Czech)

若需翻譯，請致電 (Cantonese)

Чтобы получить перевод на русский язык, позвоните по телефону (Russian)

Tercüme için lütfen arayın (Turkish)

برای ترجمه با این شماره تماس بگیرید (Farsi)

Pour obtenir une traduction, composez le (French)

بۆ تەرجومە تەلەفۆن بکە بۆ ژمارە (Kurdish)

للترجمة يرجى الاتصال (Arabic)

Per perkthim me shkrim ju lutem merni ne telefon (Albanian)

ભાષાંતર માટે કૃપા કરીને ફોન કરો (Gujarati)

ट्रांसलेशन के लिये कृपया कॉल करें: (Hindi)

Pentru traducere va rugam sunati (Romanian)

Untuk terjemahan harap hubungi (Indonesian)

Kwa tafsiri, tafadhali piga simu (Kiswahili)

ਅਨੁਵਾਦ ਵਾਸਤੇ ਕਿਰਪਾ ਕਰਕੇ ਕਾਲ ਕਰੋ (Punjabi)

Kana muchida kuturikirwa, tapota ridzai runhare kuna (Shona)

Pre preklad prosim volajte (Slovak)

Nếu quý vị cần dịch tài liệu, xin vui lòng gọi theo số (Vietnamese)

01268294791



Customers with a hearing or speech impairment can contact us using the Text Relay service. Dial 18001 followed by the full telephone number of the service you require. Calls are charged at your telecommunications provider's standard rate.