



# Sevenoaks District Council



**Gambling Act 2005  
Draft Statement of Licensing Policy  
January 2010**

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## **1. The Licensing Objectives**

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

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

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

### **Principles to be applied - Section 153**

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

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

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

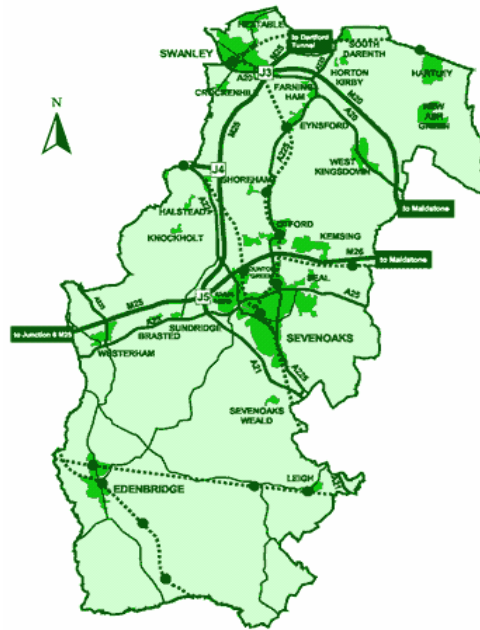
(3) Any objection to an application for a Premises Licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective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

## **2. Introduction**

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

The Sevenoaks District Council area covers 142 square miles and has an estimated population of 110,000. The area is mainly rural with 3 main towns comprising Sevenoaks, Swanley and Edenbridge.

## The Sevenoaks District Council Area



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

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

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

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

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

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

The consultation for the policy will take place between 19<sup>th</sup> June 2009 and 31<sup>st</sup> August 2009. The Authority has followed the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector.

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

The policy is published on Sevenoaks District Council's website [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk). Copies have been placed in the public libraries within the area and is available in the Council's principal offices.

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

### **3. Declaration**

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

### **4. Casinos**

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

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

## 5. Functions

<b>Function</b>	<b>Who deals with it</b>
Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences	Licensing Authority
Issue Provisional Statements	Licensing Authority
Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits	Licensing Authority
Issue Club Machine Permits to Commercial Clubs	Licensing Authority
Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres	Licensing Authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines	Licensing Authority
Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines	Licensing Authority
Register small society lotteries below prescribed thresholds	Licensing Authority
Issue Prize Gaming Permits	Licensing Authority
Receive and endorse Temporary Use Notices	Licensing Authority
Receive Occasional Use Notices	Licensing Authority
Provide information to the Gambling Commission regarding details of licences issued (see section 8 on 'information exchange')	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions	Licensing Authority

### **Gambling Commission Functions**

<b>Function</b>	<b>Who deals with it</b>
Issue and renewal of Operating Licences	Gambling Commission
Review Operating Licences	Gambling Commission
Issue Personal Licences	Gambling Commission
Issue Codes of Practice	Gambling Commission

Issue Guidance to Licensing Authorities	Gambling Commission
Licence remote gambling through Operating Licences	Gambling Commission
Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines	Gambling Commission
Deal with appeals against Commission decisions	Gambling Appeals Tribunal

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

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

## 6. Responsible Authorities

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

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

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

Childrens and Families - KCC Social Service

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

## 7. Interested parties

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

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

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

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

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

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

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

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

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

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

## **8. Exchange of Information**

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

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

Any protocols established as regards information exchange with other bodies will be made available.

## 9. Enforcement

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

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

In accordance with the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes.

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

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

This Licensing Authority's principles are that:

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

- Proportionate:
  - regulators should only intervene when necessary;
  - remedies should be appropriate to the risk posed, and
  - costs identified and minimised.
- Accountable:
  - regulators must be able to justify decisions, and
  - be subject to public scrutiny.
- Consistent:
  - rules and standards must be joined up and implemented fairly;
- Transparent:
  - regulators should be open, and keep regulations simple and user friendly;
  - and
- Targeted:
  - regulation should be focused on the problem, and minimise side effects.

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

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

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

### 1. Permits

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

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

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

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

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

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

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

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

The Gambling Commission’s Guidance also states: “An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

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

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

**(ii) (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

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

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

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

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

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

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to

request from the applicant, Sevenoaks District Council will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant should be able to demonstrate:

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

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

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

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

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

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

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

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

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;

- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the police.

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

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

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

### 2. Premises Licences

#### (i) Decision making - general:

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

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

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

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

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

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

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

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

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

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

These conditions will apply to premises including buildings where multiple premises licences are applicable.

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

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

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

**(ii) "Premises":**

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

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

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

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

access to, or closely observe gambling where they are prohibited from participating;  
and

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

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

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 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.

**(iii) Location:**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

**(iv) Planning:**

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

**(v) Duplication:**

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

**(vi) Door Supervisors:**

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

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

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

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

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

**(vii) Licensing objectives:**

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

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

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

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

**(viii) Reviews:**

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

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

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

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

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

**(ix) Provisional Statements:**

This licensing authority notes the Gambling Commission's Guidance for the Gambling Commission which states that:

- "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence." and that
- "Requiring the building to be complete ensures that the authority can inspect it fully".

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

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

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

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

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

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas

- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

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

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

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

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

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

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

**(xii) Tracks:**

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

**(xiii) Casinos:**

This Licensing Authority will have regard to the Gambling Commission's guidance.

**(xiv) Bingo:**

This Licensing Authority will have regard to the Gambling Commission's guidance.

**(xv) Temporary Use Notices:**

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

**(xvi) Occasional Use Notices:**

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

**(xvii) Travelling Fairs:**

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

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

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

**Help with gambling related problems:**

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

**Responsible Authorities:**

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

**Licensing Team**

Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP

Tel: 01732 227325

Fax: 01732 742339

e-mail: [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)

Website: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

**Local Planning Authority**

Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP

Tel: 01732 227200

Fax: 01732 451332

**Chief Police Officer – (West Kent Police)**

Kent County Constabulary  
West Kent Area Commander  
Police Station  
1 Pembury Road  
Tonbridge  
Kent TN9 2HS

Tel: 01732 771055

**Fire Safety - District Manager**

Keith Burns  
Kent Fire & Rescue Service  
West Kent Fire Safety Office  
424 Vale Road  
Tonbridge  
Kent TN9 1SW

Tel: 01732 369429

**Information can also be obtained from:**

**Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham B2 4BP

Tel: 0121 230 6666

Fax 0121 230 6720

e-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Website:

[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

**Environmental Protection**

Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP

Tel: 01732 2272000

Fax: 01732 742339

e-mail:

[environmentalprotection@sevenoaks.gov.uk](mailto:environmentalprotection@sevenoaks.gov.uk)

**Health and Safety**

Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP

Tel: 01732 227000

Fax: 01732 742339

**Kent Child Protection Committee**

Children's and Families  
KCC Social Service  
The Willows  
Hilda May Avenue  
Swanley  
Kent BR8 7BT

Website: [www.kcpc.org.uk](http://www.kcpc.org.uk)

**HM Revenue & Customs**

Medvale House  
Moat Road  
Maidstone  
Kent. ME15 6AE

Tel: 0845 302 1431

Website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

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

**List of Consultees**

Sevenoaks District Council website  
District Councillors  
Councillor's Members Room  
Parish and Town Councils  
Swanley Library  
Sevenoaks Library  
Edenbridge Library  
Westerham Public Library  
Otford Public Library  
West Kingsdown Library  
Hartley Public Library  
Seal Public Library  
New Ash Green Public Library  
Kemsing Public Library  
St. John's Public Library, Sevenoaks  
Riverhead Public Library  
West Kent Area Commander, West Kent Police  
North Kent Area Commander, North Kent Police  
Area Youth & Community Officer, KCC Youth & Community,  
Local Services Team Leader, KCC Education & Libraries  
Chief Executive, West Kent Housing Association,  
Regional Housing Manager, MOAT Housing Society  
Locality Manager, South West Kent Primary Care Trust  
Director of Public Health, Dartford, Gravesham and Swanley Primary Care Trust  
Licensing Co-ordinator, Kent Police, Strategic Crime Reduction Department  
Director, West Kent Council of Voluntary Services  
Tunbridge Wells and Sevenoaks YOT, Kent Youth Offending Team  
Berwin Leighton Paisner Solicitors  
Hammonds Solicitors  
Knocker & Foskett Solicitors  
Copy in reception  
Sevenoaks and District Chamber of Commerce  
Licensed premises in the Sevenoaks Area  
Swanley Chamber of Commerce  
Edenbridge Chamber of Commerce  
Licensing Manager, Tonbridge & Malling Borough Council  
Head of Environmental Health and Licensing, Tunbridge Wells Borough Council  
Environmental Health Manager, Gravesham Borough Council

## List detailing who this authority consulted with

## Appendix 4

Enforcement and Regulatory Services Manager, Dartford Borough Council  
Licensing Manager, Tandridge District Council  
Bromley Licensing Manager, London Borough of Bromley  
Head of Environmental Health, London Borough of Bexley  
Safety & Licensing Team, Mid Sussex District Council  
The Gambling Commission  
West Kent Licensing Officer  
Planning Department  
Fire Safety District Manager, Kent Fire & Rescue Service  
Community and Planning Services Director, Sevenoaks District Council  
Environmental Health Manager, Sevenoaks District Council  
Ladbrokes Betting & Gaming Limited  
Enterprise Inns Plc  
JD Wetherspoon Plc  
Sencio Community Leisure  
Respondents to the last Gambling Policy Statement  
The British Beer & Pub Association  
Association of British Bookmakers  
Head of Community Development Manager, Sevenoaks District Council  
District Manager, Children & Families, KCC Social Services  
Kent County Council, Trading Standards  
Gambling Policy Team, HM Customs & Excise  
Corals, Sevenoaks, Westerham, Swanley & Edenbridge  
Done Brothers T/A Betfred  
Coral Racing Limited, Head Office  
Betfred, Sevenoaks and Swanley  
Greene King Brewing and Retailing Ltd.  
Head of Operational and Environmental Services  
Community and Planning Services Director  
Harvey & Son (Lewes) Ltd.  
Mitchells & Butlers plc  
Barracuda Pubs & Bars Company Ltd  
Punch Taverns  
Shepherd Neame Ltd.

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

# Summary of gaming machines by premises

## Appendix 5

Premises Type	A	B1	B2	B3	B4	C	D
<b>Regional Casino</b> (machine/table ratio 25 – 1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D within total limit of 1250 (subject to machine/table ratio)						
<b>Large Casino</b> (Machine/table ratio 5 – 1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D within total limit of 150 (subject to machine/table ratio)						
<b>Small Casino</b> (Machine/table ratio 2 – 1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D within total limit of 80 (subject to machine/table ratio)						
<b>Existing Casino</b> Pre – 2005 Act (no machine/table ratio)	Maximum of 20 machines categories B to D or any number of C or D machines instead						
<b>Betting premises and tracks occupied by Pool Betting</b>	Maximum of 4 machines categories B2 to D						
<b>Bingo Premises</b>				Maximum of 4 machines in Category B3 or B4		No limit C or D machines	
<b>Adult gaming centre</b>				Maximum of 4 machines in Category B3 or B4		No limit C or D machines	
<b>Family entertainment centre</b> (with premises licence)						No limit on Category C or D machines	
<b>Family entertainment centre</b> (with permit)						No limit on Category D machines	
<b>Clubs or miners' welfare institutes</b> (with permit)				Maximum of 3 machines in category B3A, B4 to D *			
<b>Qualifying alcohol licensed premises</b>						1 or 2 machines of Category C or D Automatic upon notification	
<b>Qualifying alcohol licensed premises</b> (with gaming machine permit)						Number as specified on permit	
<b>Travelling fair</b>						No limit on Category D machines	
	A	B1	B2	B3	B4	C	D

\* It should be noted the Member's Clubs and Miners' Welfare Institutes are entitled to site a total of 3 machines in categories B3A to D but only on B3A machine can be sited as part of this entitlement. Commercial Clubs are entitled to a total of 3 machines in categories B4 to D.

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

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

## Summary of Maximum stake and Maximum prize by category of gaming machine.

Category of machine	Maximum stake	Maximum prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	£1	£70
D (Money-prize machine)	10p	£5 cash
D (Crane Grab Machines)	£1	£50
D (Non-money prize machine (other than Crane Grab Machine))	30p when non-monetary prize	£8 non-monetary prize
D (For coin pushers and penny fall machines)	10p	£15 (£8 maximum in cash)