

Council

Elaine Speed

01507 613423

[elaine.speed@e-lindsey.gov.uk](mailto:elaine.speed@e-lindsey.gov.uk)

5 December 2024

To All Members of the Council,  
Internal and External Circulation and  
Press

Dear Councillor,

**Re: Council Agenda - Wednesday, 11th December, 2024**

Further to the compilation of the above Council Agenda, please find enclosed the following report which has been added for consideration as an urgent item by the Chairman of the Council:

Agenda Item 15. Gambling Act 2005 - Review of Gambling Policy Statement of Principles: (Pages 1 - 78)

To consider approval of the updated Gambling Policy Statement of Principles as an urgent item by the Chairman of the Council.

Please accept my apologies for any inconvenience caused.

Yours sincerely,

*Elaine*

Senior Democratic Services Officer

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<b>Report To:</b>	Council
<b>Date:</b>	11 December 2024
<b>Subject:</b>	Gambling Act 2005 – Review of Gambling Policy Statement of Principles
<b>Purpose:</b>	To approve the updated Gambling Policy Statement of Principles
<b>Key Decision:</b>	N/A
<b>Portfolio Holder:</b>	Cllr Thomas Kemp – Portfolio Holder for Finance
<b>Report Of:</b>	Christian Allen – Assistant Director Regulatory
<b>Report Author:</b>	Donna Hall – Group Manager Public Protection
<b>Ward(s) Affected:</b>	All
<b>Exempt Report:</b>	No

**Summary**

Council is asked to consider and approve the updated Gambling Policy Statement of Principles. This is a statutory policy which the Council are required to revise and adopt at least every three years, following consultation. The updated policy will come into effect on 9<sup>th</sup> January 2025.

**Recommendations**

That the Council approve and adopt the updated Gambling Policy Statement of Principles which will take effect from 9<sup>th</sup> January 2025.

**Reasons for Recommendations**

The Council is under a legal duty to keep its Gambling Policy Statement of Principles under review. In line with the statutory requirements this review of the policy must be completed and the new policy adopted by January 2025.

## **Other Options Considered**

It is a statutory requirement that the Council reviews its Gambling Policy Statement of Principles every three years, therefore no other options are recommended.

## **1. Background**

- 1.1 Section 349 of the Gambling Act 2005 requires the Council (the Licensing Authority) to prepare and publish a Statement of the Principles (Gambling Policy) that it proposes to apply in exercising its licensing functions. The statement will last for a maximum period of three years - but can be reviewed and revised by the Authority at any time. This Authority's current statement took effect in January 2022 and so the required review process must be completed by the end of 2024 – with the updated policy to come into effect on 9<sup>th</sup> January 2025.
- 1.2 On 22 April 2024 the Licensing Committee considered the current policy and agreed the details of the consultation process. The subsequent consultation took place between 15 July 2024 and 02 September 2024.
- 1.3 On 30 September 2024 the Committee considered the policy following consultation and agreed to recommend it to full Council for approval.

## **2. Report**

- 2.1 The Gambling Act 2005 places the responsibility for the licensing of gambling premises and the issuing of gambling permits with Local Authorities. Amongst other matters the 2005 Act deals with the licensing of:
  - Casinos.
  - Betting shops.
  - Bingo halls.
  - Amusement arcades.
  - Gaming machines.
  - Society lotteries.
- 2.2 The Act requires Licensing Authorities to prepare, consult on and publish a Statement of Principles (Gambling Policy) that they propose to apply in exercising their functions under the Act during the 3-year period to which the policy applies.
- 2.3 Core to the Gambling Act are the licensing objectives. These 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 manner.

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

2.4 Section 154 of the 2005 Act indicates that adoption of the Gambling Policy Statement of Principles cannot be delegated to the Licensing Committee. Therefore, full Council must adopt the final document.

2.5 The existing policy document has been reviewed in light of experience in dealing with the 2005 Act. It is the Officer's opinion that there is nothing which needs changing in the main body of the policy document – apart from updating the summary of licence and permit numbers currently in force in the East Lindsey District. The proposed updated policy can be found at **Appendix 1** of this Report.

2.6 There has been one significant change to the licence numbers in the District since the previous policy adoption in 2022. The number of bingo premises has increased from 13 to 21 – with the majority of these new bingo premises being within holiday park sites on the coastal strip of the East Lindsey District.

2.7 Public consultation was held between 15 July 2024 and 02 September 2024. One response was received to the policy consultation document. The response was from Hough & Bolland Licensing Consultants – who indicated that they had no comments or concerns with regard to the proposal and no changes to the main body of the policy document.

### **3. Conclusion**

3.1 It is a statutory requirement that the Council reviews the Gambling Policy Statement of Principles on a three-yearly basis.

3.2 It is the professional opinion of licensing officers that no material changes are required within the policy document, and so the updated policy has only been amended to reflect the current number of licences and permits in force.

3.3 Council are asked to consider and approve the policy, which supports the ongoing administration of the gambling licensing regime.

### **Implications**

#### **South and East Lincolnshire Councils Partnership**

Each Council within the Partnership is required to review and adopt a Statement of Principles. These are broadly similar as they reflect gambling legislation and guidance, however variation is permitted to take into account local priorities.

#### **Corporate Priorities**

The licensing of gambling activities supports the corporate priorities by ensuring the wellbeing of residents and visitors. Effective implementation of a licensing regime should also help to support businesses and promote the local economy.

## **Staffing**

None

## **Workforce Capacity Implications**

None

## **Constitutional and Legal Implications**

The policy document complies with the requirements of the Gambling Act 2005 and the Gambling Commission's Guidance to Licensing Authorities. It must also comply with the Code of Practice in relation to casino premises licensing.

## **Data Protection**

None

## **Financial**

None

## **Risk Management**

Reviewing and adopting the Gambling Policy Statement of Principles in line with statutory requirements reduces the risk of judicial review.

## **Stakeholder / Consultation / Timescales**

The consultation took place between 15 July 2024 and 02 September 2024. The consultation document was issued to a wide range of interested parties, including Lincolnshire Police, Lincolnshire Trading Standards, Lincolnshire Fire and Rescue, the Gambling Commission, Licensing Solicitors & Consultants, Parish and Town Councils, BACTA, etc. In addition, a copy of the consultation document was placed on the Council's website.

## **Reputation**

Having a robust licensing policy promotes confidence in this business sector and in the Council.

## **Contracts**

None.

## **Crime and Disorder**

Core to the Gambling Act 2005 are the licensing objectives, which are detailed in Paragraph 2.3 of this Report and include the objective of preventing gambling from being a

source of crime and disorder. The licensing objectives have been considered throughout this policy review.

### **Equality and Diversity / Human Rights / Safeguarding**

The Gambling Act 2005 includes the licensing objective of 'protecting children and other vulnerable persons from being harmed or exploited by gambling'. This licensing objective has been considered throughout this policy review.

It is not considered that there are any equality and diversity implications.

### **Health and Wellbeing**

None

### **Climate Change and Environmental Implications**

None

### **Acronyms**

BACTA - British Amusement Catering Trade Association

### **Appendices**

Appendices are listed below and attached to the back of the report:

Appendix 1 Updated Gambling Policy Statement of Principles

### **Background Papers**

Background papers used in the production of this report are listed below: -

**Document title:** The Gambling Commission's Guidance to Licensing Authorities

**Where the document can be viewed:**

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

### **Chronological History of this Report**

#### **Name of Body**

Licensing Act 2003 Committee

#### **Date**

22 April 2024 and 30 September 2024

#### **Report Approval**

Report author:

Donna Hall, Group Manager Public Protection,  
[donna.hall@sholland.gov.uk](mailto:donna.hall@sholland.gov.uk)

Signed off by:

Christian Allen, Assistant Director Regulatory,  
[Christian.allen@boston.gov.uk](mailto:Christian.allen@boston.gov.uk)

Approved for publication:

Cllr Kemp, Portfolio Holder for Finance

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Gambling Act 2005

Gambling Policy (Statement Of Principles) 2025

The Gambling Act 2005 requires every Licensing Authority to publish a Gambling Policy (Statement of the Principles), which they propose to apply when exercising their licensing functions. This document is the Gambling Policy (Statement of Principles) of East Lindsey District Council.

Whilst all applications will be judged and determined on their individual merits the policy will be the basis of the Licensing Authority's decisions. The policy will be reviewed regularly to reflect the needs of the East Lindsey District.

***Adopted 11 December 2024***

***Published 12 December 2024***

[www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)

*N.B. This policy will take effect on 9 January 2025*

# East Lindsey District Council Gambling Policy (Statement Of Principles) Gambling Act 2005

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## Part A

### 1. Introduction

- 1.1. East Lindsey District Council (hereinafter referred to as the Licensing Authority) is responsible for the licensing of premises and the issue of permits and authorisations under the Gambling Act 2005. The Authority's main functions under the Gambling Act 2005 (2005 Act) are:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
  - Issue provisional statements
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via the issuing of club gaming permits and/or club machine permits
  - Issue club machine permits to commercial clubs
  - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
  - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
  - Issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol (for consumption on the licensed premises), under the Licensing Act 2003, where there are more than two machines
  - Register small society lotteries below prescribed thresholds
  - Issue prize gaming permits
  - Receive and endorse temporary use notices (TUNs)
  - Receive occasional use notices (OUNs)
  - Provide information to the Gambling Commission regarding details of licences and permits issued (see section in this Policy Statement on 'information exchange')
  - Maintain registers of the permits and licences that are issued under these functions
- 1.2. This Policy (Statement of Principles) is intended to provide clarity to applicants, interested parties and responsible authorities on how this Licensing Authority will determine applications. Guidance will be made available to assist applicants: the aforementioned guidance does not form part of this Policy.

- 1.3. The Licensing Objectives - In exercising most of its functions under the Gambling Act 2005, the Licensing Authority 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.
- 1.4. In practice, the objective of protecting children from being harmed or exploited by gambling usually means preventing them from taking part in, or being in close proximity to gambling.

The 2005 Act promotes safe practice at premises where gambling activities take place and this means that licensees and operators have a legal responsibility to 'protect children and other vulnerable persons from being harmed or exploited by gambling'. More information about the signs of problem

gambling can be found on the Gambleaware and Gamcare websites. The aforementioned websites also provide general information about gambling, including how to gamble safely and where to get help if somebody or someone you know has problems with their gambling. This Authority would expect licensees and operators to acquaint themselves with the contents of the aforementioned websites.

Further specific information on this Authority's recommendations and expectations, in relation to the protection of children and other vulnerable persons, can be found at Appendices 5 and 6 of this policy document.

- 1.5. The 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:
- (a) in accordance with any relevant code of practice issued by the Gambling Commission
  - (b) in accordance with any relevant guidance issued by the Gambling Commission
  - (c) reasonably consistent with the licensing objectives,

subject to points (a) and (b) above, and

- (d) subject to points (a) and (c) above, in accordance with the Authority's Statement of Licensing policy

The latest and up to date guidance, codes of practice, etc, can be found by referring to the Gambling Commission website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## 2. General Matters

- 2.1 East Lindsey District Council is situated in the County of Lincolnshire, which contains 7 District Councils in total. The East Lindsey District Council area has a population of 136,400 (Census 2011). In terms of area it is the largest in the County, covering 700 square miles. Furthermore the Council is the third largest district (in terms of area) in the country. The district covers virtually the entire Lincolnshire coastline, including the seaside resorts of Skegness, Ingoldmells, Chapel St Leonards, Sutton on Sea and Mablethorpe. In the heart of the district lies the Lincolnshire Wolds, a designated Area of Outstanding Natural Beauty (AONB). The main industries are agriculture and tourism. The coastal resorts within the district have a history of amusement arcades, which now operate as family entertainment centres or adult gaming centres. A map of the East Lindsey district is shown at Appendix 2 of this document. Skegness is the fifth largest seaside resort in England and the population along the coast increases from 60,000 to 240,000 during the summer tourist season.

- 2.2 At the time of adopting this Policy the Licensing Authority was responsible for the following number of premises licences and permits:

<b>Number of Gambling Authorisations - Current Figures (September 2021)</b>	
Betting Premises Licences	9
Bingo Premises Licences	21
Adult Gaming Centre Premises Licences	34
Family Entertainment Centre Premises Licences	12
Family Entertainment Centre Permits	73
Alcohol licensed premises providing two or less gaming machines	143
Alcohol licensed premises providing three or more gaming machines	43
Club Gaming Permits	9
Club Machine Permits	8
Prize Gaming Permits	6
Society Lottery Registrations	118

Number of Occasional Use Notices (OUN) received during 2023/24 = 1

- 2.3 In adopting this Policy (Statement of Principles) the Licensing Authority recognises its duties to consider the impact of all its' functions and decisions on crime and disorder (Section 17 of the Crime and Disorder Act 1998). The Council acknowledges the benefits to the community of properly regulating gambling in the district.

- 2.4 The Licensing Act 2003 provides the delegated and procedural arrangements for the establishment of Licensing Authorities. Licensing Committees established under Section 6 of the Licensing Act 2003 are also the relevant committees for the purpose of gambling functions. Therefore, the same committee that deals with alcohol, late night refreshment and regulated entertainment applications and other issues in relation to the Licensing Act 2003 will also be responsible for premise licence applications and other issues (i.e. permits) in relation to gambling under the Gambling Act 2005.
- 2.5 The proceedings of the Licensing Committee are regulated by Section 9 of the 2003 Act (and regulations made under that section). Particular provision can be made for proceedings in relation to just the 2003 Act functions or just the 2005 Act functions.
- 2.6 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1 of this document.
- 2.7 Licensing Authorities are required by the Gambling Act 2005 to publish a Gambling Policy (Statement of the Principles), which they proposed to apply when exercising their functions. This statement must be published at least every three years.
- The statement must also be reviewed as required and any amended parts re-consulted upon. The statement must be then re-published.
- 2.8 The Licensing Authority consulted widely upon this Policy (Statement of Principles) before finalising and publishing. A list of the persons consulted can be found at Appendix 4 of this document. The consultation took place between 15 July and 2 September 2024.
- 2.9 The Gambling Act 2005 requires that the following parties be consulted by Licensing Authorities:
- The Chief Officer of Police
  - 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
- 2.10 The Policy (Statement of Principles) was submitted for approval at a meeting of the full Council on 11 December 2024 and published via the Council's website ([www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)), on 12 December 2024. A copy of the policy can be found on the above website.

- 2.11 Should you have any comments as regards this Statement of Principles please send them via e-mail or letter to the following contact:
- Licensing Team, East Lindsey District Council, The Hub,  
Mareham Road, Horncastle, Lincolnshire LN9 6PH
- E-mail: [licensing@e-lindsey.gov.uk](mailto:licensing@e-lindsey.gov.uk)
- 2.12 It should be noted that this Policy (Statement of Principles) 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.
- 2.13 Planning Permission - The Licensing Authority will only take into account relevant representations related to gambling and the three Licensing Objectives. The existence of a planning permission or building regulation approval for a premises or activity associated with gambling shall not be taken into account by the Licensing Authority in determining a Premises Licence application. Similarly, the existence of a gambling licence shall not prejudice the consideration of any planning or building regulation application related to a gambling activity or premises.
- 2.14 In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention (by way of relevant representations), which undermine the licensing objectives. Non-compliance with

other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to ensure compliance with the licensing objectives.

### 3. Declaration

- 3.1 In producing the Policy (Statement of Principles), the Licensing Authority declares that it has 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 of Principles).



## 4. Responsible Authorities - Body representing Children from Harm

- 4.1. The Licensing Authority has designated in writing the body it considers competent to advise the Licensing Authority on the protection of children from harm. This body is:

### **Lincolnshire Safe Guarding Children's Board**

The reasons the Licensing Authority has chosen the above as a responsible authority competent to advise it on the protection of children from harm are:

- That this body is answerable to democratically elected persons and is not answerable to a particular vested interest group.
- That this body is responsible for the area covered by the Licensing Authority and this Policy.
- That this body is experienced in dealing with the protection of children.

The contact details of all the Responsible Authorities are available by contacting the Licensing Team.

## 5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications 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 paragraph (a) or (b) e.g. Members of Parliament and Ward Councillors.

It should also be noted that in relation to a casino premises licence each applicant for a casino licence is automatically an interested party in relation to any other casino licence application in the East Lindsey area.

- 5.2 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be affected. Likewise, town and parish councils likely to be affected will be considered to be interested parties. Other than these however, this Authority will normally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.3 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team on 01507 601111 or email: [licensing@e-lindsey.gov.uk](mailto:licensing@e-lindsey.gov.uk). Where a Councillor represents an interested party, in order to avoid conflict of interests, that Councillor shall not be part of the Licensing Committee dealing with the licence application. If there are any doubts, Councillors will be asked to contact the Council's Legal Services to gain further advice.
- 5.4 Principles of deciding on Interested Parties - The Licensing Authority is required by regulations to state the principles that it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. With regard to specific premises, the Licensing Authority will consider whether a person is an interested party on a case-by-case basis, judging each on its own merit. The Authority will not apply a rigid rule to its decision-making.
- 5.5 The principles the Licensing Authority will apply when deciding whether or not a person is an interested party are:
- The size of the premises - larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities;
  - The nature of the activities being conducted on the premises.
- 5.6 Persons living sufficiently close to the premises - The Licensing Authority will take into account the following factors when interpreting 'sufficiently close':
- Size of the premises
  - Nature of the premises
  - Distance of the premises from the location of the person making the representation

- Potential impact of the premises, i.e. number of customers, routes likely to be taken by those visiting the establishment; and
- Circumstances of the complainant, i.e. interests of the complainant that may be relevant to the distance from the premises.

- 5.7 The Licensing Authority recognises 'sufficiently close to be likely to be affected' could have a different meaning for, for instance, a private resident, a residential school for children with behavioural or other problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its own merit.
- 5.8 Persons with business interests that could be affected - The Licensing Authority will firstly determine whether or not a person is an interested party and secondly whether or not their representation is relevant. Representations by such persons that do not relate to the Licensing Objectives but focus on demand and competition will not be considered as relevant.
- 5.9 The Licensing Authority will need to be satisfied that the relevant business is likely to be affected and shall not take into account representations put forward by a rival

operator, anywhere in the country, simply because they are in competition within the same gambling sector. The following factors will therefore be relevant:

- Size of the premises.
- The 'catchment' area of the premises (i.e. how far people travel to visit).
- Whether the person making the representation has business interests in that catchment area that might be affected.
- Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation.

Representations will not be considered as relevant where they relate to demand or competition.

- 5.10 The Licensing Authority will decide upon representations from those persons with business interests on an individual basis. The Licensing Authority will consider the Gambling Commission's guidance that 'has business interest' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.11 Persons representing persons living sufficiently close and/or having business interests that may be affected - With regard to persons representing persons living sufficiently close and persons having business interests that may be affected, the Licensing Authority will take into account trade associations, trade unions, residents and tenants' associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless the organisation can demonstrate that they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 5.12 Representations - Only Responsible Authorities and Interested Parties may make representations. Advice on how to make a representation is available from the Licensing Team. Where there are representations, the Licensing Authority may encourage negotiation between the objector and the applicant as to the possible use of conditions on the licence.
- 5.13 Where there are representations the Licensing Authority will determine whether or not they will be admissible and will consider carefully whether the representations are relevant. Relevant representations must be relevant to one or more of the three Licensing Objectives, raise issues under the Licensing Policy, raise issues under the Gambling Commission Guidance or raise issues under the Gambling Commission's Codes of Practice.
- 5.14 Representations are not relevant where they are vexatious or frivolous and before a decision is made as to whether it is relevant or not, the Licensing Authority will consider:
- Who is making the representation and whether there is a history of making representations that are not relevant.
  - Whether or not it raises a relevant issue, or
  - Whether it raises issues specifically to do with premises that are the subject of the application.
- 5.15 The Licensing Authority strongly recommends that representations be submitted at the earliest opportunity to allow the maximum time to negotiate an appropriate solution (if appropriate and possible).

## 6. Exchange of Information

6.1 In its exchange of information with parties listed in Schedule 6 of the Gambling Act 2005, the Council will have regard to:

- the provisions of the 2005 Act, which include the provisions that data protection law will not be contravened;
- the guidance issued by the Gambling Commission;
- other relevant legislation and regulations.

6.2 In accordance with Section 350 and Schedule 6 of the Gambling Act 2005, the Council 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.

The Council 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.

6.3 Where relevant, information will be protected and the confidentiality of those making representations will be maintained. Information will be shared by means of e-mail, telephone or in writing between the Responsible Authorities and Gambling Commission.

## Part B - Premises licences

### 1. General Principles

1.1 Premises Licences authorise the provision of gambling facilities on the following:

- Casino Premises
- Bingo Premises
- Betting Premises (including race tracks used by betting intermediaries)
- Adult Gaming Centres (AGCs)
- Family Entertainment Centres (FECs).

1.2 Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be granted to those issued with an Operating Licence by the Gambling Commission.

1.3 Other forms of authorisations are as follows:

- Unlicensed Family Entertainment Centres (uFEC) Permits
- Prize Gaming Permits
- Licensed Premises Gaming Machine Permits
- Club Gaming Permits
- Club Gaming Machine Permits

1.4 Definition of Premises - For the purposes of the Gambling Act 2005, premises are defined as including 'any place'. Different premises licences cannot apply in respect of a single premise at different times. However, a single building could be subject to more than one Premises Licence provided they are for different parts of that building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of the building can properly be regarded as being separate premises will always be a question of fact. The location of the premises will clearly be an important consideration and the suitability of the division will be a matter for discussion between the operator and the Authority's Licensing Officer. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated (for example, by ropes or moveable partitions) can be properly regarded as different premises. The Licensing Authority will consider the definition of premises and where there are such concerns the Licensing Authority may address these through licence conditions. The Licensing Authority will, if necessary, respond to any further guidance by the Gambling Commission on this subject by way of a minor variation of this Policy.

1.5 This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: 'Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- 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 preventing them from being 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.
- Entrances to 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 people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors, which the Licensing Authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case. When taking these matters into consideration the Authority notes that a large number of premises in the District are multipurpose seaside venues with more than one type of activity or gambling facility operating under one roof.

- 1.6 Premises “ready for gambling” - The Gambling Commission guidance to Licensing Authorities states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is unlikely to be completed for some considerable period of time, then in the opinion of this Authority an application for a provisional statement should be made instead of an application for a premises licence. This is also the case for a premises requiring significant alteration where that alteration is unlikely to be completed for some considerable period of time.

In deciding whether a premise licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their own merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence. More

detailed examples of the circumstances in which such a licence may be granted can be found within the Gambling Commission guidance to Licensing Authorities.

Applicants are reminded that when applying for a premises licence they must have the right to occupy the premises. If the applicant does not yet have a right to occupy them, then an application for a provisional statement must be made instead.

- 1.7 Moral objections to gambling are invalid: It is appreciated that as per the Gambling Commission’s Guidance for local authorities “moral objections to gambling are not a valid reason to reject applications for premises licences” and also that unmet demand is not a criterion for a Licensing Authority.
- 1.8 Location of Premises - The 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. With regard to these objectives upon receipt of any relevant representations this Authority will look at specific location issues including:
- the proximity of the premises to schools and vulnerable adult centres



- the proximity of the premises to residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area

When considering the location of premises the Licensing Authority may take into consideration any restrictions on access to the premises.

This 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.

- 1.9 Duplication with other regulatory regimes - The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though listen to, and consider carefully, any concerns about the imposition of licence conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

- 1.10 Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's guidance to local authorities and some comments are made below.
- 1.11 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - The Licensing Authority recognises it is the responsibility of the Gambling Commission when issuing Operating Licences to ensure the operator is a suitable applicant. However, if during the course of considering a Premises Licence application or at any other time, the Licensing Authority receives such information that causes it to question the suitability of the applicant, those concerns will be brought to the immediate attention of the Gambling Commission.
- 1.12 The Licensing Authority will consider the location of premises, particularly if such a premises is in an area where there was known to be organised crime. Where this is the case, the Licensing Authority in these circumstances would consider what controls, if any, would be appropriate to prevent such premises becoming a source of crime. In certain circumstances, the Licensing Authority may consider appropriate conditions to be attached to the Licence, such as Door Supervisors, CCTV, etc.

- 1.13 The Licensing Authority recognises that disorder and nuisance may be focused on premises and therefore recommends an applicant takes such controls as necessary to prevent such disorder and nuisance. Examples may include thought given to the way that gambling is conducted on the premises, siting of large pay out machines and levels of noise from public address systems that should ideally be sited at the back of the premises away from residential areas. Consideration, where relevant, will be given to the placing of appropriate conditions on the licence governing opening hours for betting shops in residential areas and other sensitive areas and in the case of disorder the use of Door Supervisors. Section 178 of the 2005 Act sets out the definition of 'Door Supervisor' and provides that where a person is employed in such a role is required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence. For information regarding Door Supervisors, see Part B, Paragraphs 1.30 to 1.32 of this policy document.
- 1.14 Where there are persistent levels of disorder, the Licensing Authority will liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.
- 1.15 As there are no clear lines between nuisance and disorder, the Licensing Authority may seek legal advice when determining what action to take in circumstances in which disorder may be a factor. The Licensing Authority appreciates that disorder is intended to mean activity that is more serious and disruptive than mere nuisance, however, in determining this it will take into account the following factors:
- Whether the situation was serious enough to require Police or Ambulance assistance;
  - How threatening the behaviour was to those who could see or hear it.
- 1.16 Ensuring that gambling is conducted in a fair and open way - The Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. The Authority will however 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 information.
- 1.17 Generally, it is for the Gambling Commission to ensure this Licensing Objective is complied with, however, with regard to race tracks, the role of the Licensing Authority is more significant. The Licensing Authority, in certain circumstances, may seek to impose conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority may wish to know the nature of the venue, have sight of a plan of the track which would include access to the place where gambling is to take place, where the operators will conduct on course betting and whether or not there are any off course betting operators.

1.18 Protecting children and other vulnerable persons from being harmed or exploited by gambling - As children and young persons are prohibited from the great majority of gambling they must be prevented from entering adult only gaming environments. This Licensing Objective intends to prevent children and young persons from taking part in, or being in close proximity to, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at children or advertised in such a way that makes them attractive to children. The Licensing Authority will therefore consider whether or not specific measures are needed to protect children at particular premises. Such measures may include:

- staff training (to include training on how to deal with suspected truants and vulnerable persons)
- careful consideration of the siting of ATMs
- additional requirements to provide supervision at entrances
- steps taken to segregate gambling from non-gambling areas frequented by children
- the supervision of gaming machines in non-adult gambling specific premises in order to prevent children or vulnerable young persons from being harmed or exploited by gambling

- Minimum staffing levels in adult only gambling premises
- Induction training for new staff and refresher training for existing staff
- Maintenance of a refusals register
- Proof of age schemes (e.g. Think 21)
- Third party test purchasing
- Location of entry to adult only gambling premises
- Infra Red Beam positioned across the entrance to the adult only gambling premises
- provision of CCTV (with images retained for a minimum period of 28 days)

These measures will be particularly relevant on mixed-use premises, and on tracks where children have freedom of movement in betting areas on race days. Other such measures may include:

- appropriate signage
- location of gaming machines
- numbers of staff on duty

- not siting child orientated machines or facilities close to the entrance to adult gaming / betting facilities
- ensuring there is no accidental access to premises used for adult gambling
- With regard to vulnerable persons, measures such as the use of self barring schemes, provision of information leaflets and helpline numbers for organisations such as Gamcare, should be deemed particularly appropriate. Further specific information on this Authority's recommendations and expectations, in relation to the protection of children and other vulnerable persons, can be found at Appendices 5 and 6 of this policy document

The above lists are not exhaustive but indicative of examples.

- 1.19 As regards 'vulnerable persons', it is noted that the Gambling Commission has not defined a 'vulnerable person' but states that it will assume that this group will include people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling; each application will be treated on its own merit.

- 1.20 With this Licensing Objective in mind, the Licensing Authority will take particular care when considering applications for more than one premises licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping malls. Where relevant, applicants will be expected to take measures to ensure young persons, and children are not in close proximity to gambling. Such measures may include siting machines at the back of a premises so as to ensure young children do not have sight of such machines, not advertising gambling so as to encourage children, not siting child orientated machines or facilities close to the entrance to adult gaming / betting facilities and ensuring there is no accidental access to observe or enter premises used for gambling.
- 1.21 In the absence of a definition of "direct access" between an Adult Gaming Centre and a Licensed Family Entertainment Centre or Unlicensed Family Entertainment Centre in the 2005 Act or Regulations, the Licensing Authority has identified a Statement of Principles within this Policy to be followed in decision-making. Should it be established that these Principles are inconsistent with the legislation (through statute or the Courts), the Licensing Authority reserves the right to amend this Statement of Principles as a minor policy change without further consultation.
- 1.22 The Licensing Authority recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more premises licences are separate and identifiable so that people do not drift into a gambling area in error.

Such measures could include appropriate signage, physically separating Family Entertainment Centres and Adult Gaming Centres, and supervision of entrances.

- 1.23 The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings carefully if they seek to develop multi purpose developments and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling. Applicants are also requested to consider entrances and exits from parts of the building covered by one or more licences. These exits and entrances should be separate and identifiable to ensure children do not 'drift' into a gambling area.
- 1.24 The Licensing Authority recommends that all staff are suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines. Appropriate measures should be taken to prevent under age use of such machines, including clear and appropriate signage, an approved Proof of Age scheme (such as a Think 21 scheme) and a requirement for staff to be vigilant and aware at all times.
- 1.25 In relation to amusement arcades the Licensing Authority recognises BACTA's voluntary Code of Social Responsibility and Good Practice for Adult Gaming and Family Entertainment Centres. The Licensing Authority recommends

that operators of Adult Gaming and Family Entertainment Centres consider the adoption of any areas of the Code that are not covered by any current mandatory Codes of Practice.

- 1.26 Conditions - Any conditions attached to licences will be proportionate and will be:
- Relevant to the need to make the proposed building suitable as a gambling facility;
  - Directly related to the premises and the type of licence applied for;
  - Fairly and reasonably related to the scale and type of premises; and
  - Reasonable in all other respects.
- 1.27 Decisions upon individual conditions will be made on a case-by-case basis. The Licensing Authority will expect the applicant to offer his/her own suggestions as to the way in which the Licensing Objectives can be achieved. The Licensing Authority may, however, exclude a condition and substitute it with one that is either more or less restrictive. In this instance the Licensing Authority will give clear and regulatory reasons for so doing.
- 1.28 **Default Licence Conditions** - Applicants are advised that any applications to amend default licence conditions will not be dealt with by Officers acting under

delegated powers. A Licensing Sub-Committee hearing will consider such applications. The Licensing Authority is aware that one issue likely to be raised in relation to default conditions is the hours the premises may be open in order to provide gambling or betting facilities (for example a betting premises). The Authority will only exclude default conditions and replace the same with less rigid conditions when there are clear and identifiable reasons for doing so.

- 1.29 Where an operator breaches the licence conditions, initially a warning will normally be given to correct the breaches. If following such warning or warnings, a breach or breaches occur the Licensing Authority will seek to review the Premises Licence.
- 1.30 Door Supervisors - If there are concerns that premises may attract disorder or be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.
- 1.31 Where door supervisors are imposed as a condition on a Premises Licence, then Section 178 of the 2005 Act provides that the persons(s) employed in the door supervisor role must hold a licence issued by the SIA (if the relevant section of the Private Security Industry Act 2001 requires him to do so) and such a requirement for SIA licensing will

automatically become a condition of the gambling premises licence. However, in relation to casinos and bingo premises this requirement for SIA licensing will only relate to contract staff and not the casino or bingo premises in-house staff (see paragraph 1.32 below).

- 1.32 It is noted that in-house staff acting as door supervisors at casinos or bingo premises are not required to be licensed by the SIA. However, this Authority recommends that where in-house staff acting as door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a Basic Criminal Records (DBS) Check on potential staff and for such personnel to have attended industry recognised training.

## 2. Adult Gaming Centres

- 2.1 As no one under the age of 18 is permitted to enter an Adult Gaming Centre, 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 consider their own measures to meet the Licensing Objectives and comply with all mandatory conditions and Gambling Commission Codes of Practice. However, appropriate measures may cover issues such as:
- Proof of Age schemes
  - CCTV

- Door Supervisors
- Supervision of entrances / machine areas
- Statutory requirement in relation to the display of GamCare stickers
- Physical separation of areas
- Location of entry
- Minimum staffing levels
- Induction training for new staff and refresher training for existing staff
- Refusals register
- Proof of age schemes (e.g. Think 21)
- Third party test purchasing
- Location of entry to premises
- Infra Red Beam positioned across the entrance to the premises
- Notices / Signage
- Specific Opening Hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self barring schemes and the provision of information leaflets / help line numbers for organisations such as GamCare, as appropriate measures.

- 2.2 The list, however, is not mandatory, nor exhaustive and applicants are recommended to consider this Licensing Objective very carefully when applying for an Adult Gaming Centre Premises Licence.
- 2.3 Where the Adult Gaming Centre is situated in a complex, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access. In particular the Licensing Authority will not look favourably on situations where child orientated machines or facilities are sited close to the entrance to an Adult Gaming Centre.

### 3. Licensed Family Entertainment Centres (FECs)

3.1 Children and young persons may enter Licensed FECs but are not permitted to play Category C machines. The Licensing Authority will expect the applicant to ensure that there will be sufficient measures to prevent under 18 year olds having access to the adult only gaming machine areas. The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. However, appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV, specifically sited where the adult machines are to be situated
- Door supervisors
- Controlled supervision of entrance and machine areas
- Location of entry
- Statutory requirement in relation to the display of GamCare stickers
- Physical segregation of machines and areas
- Appropriate Notices and signage
- Specific Opening Hours

- Self-exclusion schemes
- Measures / training for staff on how to deal with suspected truant school children on the premises
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Minimum staffing levels
- Induction training for new staff and refresher training for existing staff
- Refusals register
- Proof of age schemes (e.g. Think 21)
- Third party test purchasing
- Location of entry to premises
- Infra Red Beam positioned across the entrance to the premises
- Appropriately trained floor walking staff with regard to the protection of children and vulnerable adults

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

3.2 With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare as appropriate measures.



3.3 With regard to segregation of Category C machines in licensed FECs, there is a requirement that there must be clear segregation between the two types of machine so that children do not have access to Category C machines. All Category C machines must be located in an area of the premises separate from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance. The Licensing Authority will seek to ensure that:

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

In most cases the Licensing Authority will be happy to accept a solid waist high barrier (e.g. 1.1 to 1.4 metres in height) in order to designate the adult only Category C gaming machine area. The barrier must be fixed and not something which is transient or easily moveable.

### Statement of Principles relating to Direct Access between AGCs and Licensed FECs/Unlicensed FECs

3.4 In the absence of a definition of “direct access”, the Licensing Authority will take a pragmatic approach and sets out below its principles governing access between Adult Gaming Centres and Licensed/Unlicensed Family Entertainment Centres.

3.5 The following standards shall normally be adopted:

- All partitions between premises shall be permanently fixed (and not something which is transient or easily moveable). Any divide between premises must be real and effective. The divide will need to be of a fixed and substantial nature and not something that is transient and superficial.
- No part of any partition shall be formed from any part of a gaming or skills with prizes machine or any other type of machine.
- Partitions between premises shall normally be a minimum height of 2 metres.
- Access for customers between licensed areas may be by way of an artificially formed unlicensed area, e.g. lobby or unlicensed area, which the public visit for a purpose other than gambling.
- Barriers or divides may also be required

to designate the extent of an unlicensed area between premises and in some instances (given the layout of the site) the Licensing Authority will be happy to accept a waist high barrier (e.g. 1.1 to 1.4 metres in height) as the designation.

- Entrances to the AGC will be monitored in accordance with the mandatory conditions.
- In all cases the applicant must consider the third Licensing Objective and ensure children and vulnerable persons do not have access to adult premises.
- In all cases the applicant must ensure that children and young people are not enticed or encouraged into adult only areas.
- The applicant must ensure that child related machines or facilities are not placed abutting or in the vicinity of adult gaming areas.

3.6 Notwithstanding the above steps, the Licensing Authority recognises that the definition of “separation” and “direct access” may be subject to further legal definition through statute or the courts. The Licensing Authority therefore reserves the right to alter this Statement of Principles to ensure compliance with the law as a minor policy change without further consultation. The Licensing Authority is aware of the possibility that as a result of amended guidance from the Gambling Commission or clarification of statute by the

Courts the separation of existing individual premises in the East Lindsey District may be deemed to be unacceptable or outside the spirit of the legislation or guidance. In the event of this happening at any time the Licensing Authority will work with premises with the aim of ultimately achieving compliance with any amended requirements.

3.7 In working with operators our normal position will be that if the AGC premises licence (or FEC premises licence) is being varied or transferred at any time then we will normally look to the layout of the site being changed in order to achieve compliance with the spirit of the Gambling Commission guidance on split premises.

However, we will balance this stance with (and take into consideration) the risk the specific layout of the premises at hand poses to the licensing objectives, with particular emphasis on the protecting children from being harmed or exploited by gambling objective. In addition, we will bear in mind the scale of alterations required in order to achieve compliance with the spirit of the Gambling Commission guidance.

## 4. Small Casino Premises Licence

### Background

- 4.1 The Gambling Act 2005 introduced three new categories of casino: one regional casino, eight large casinos and eight small casinos. In 2006 the Council submitted a proposal for a small casino to the Casino Advisory Panel.
- 4.2 On 15th May 2008 the Categories of Casino Regulation 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 was approved. This specified which Licensing Authorities could issue premises licences for large and small casinos. East Lindsey District Council was authorised to issue a small casino premises licence.
- 4.3 On 26th February 2008 the Secretary of State for Culture, Media and Sport (DCMS) issued the Code of Practice on Determinations Relating to Large and Small Casinos (Code of Practice). The Council will comply with this Code which sets out:
- a) the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005; and
  - b) matters to which the Licensing Authority should have regard in making these determinations.
- 4.4 The Licensing Authority is aware that there are likely to be a number of operators who will want to apply for a casino in the East Lindsey District. In such situations, the Licensing Authority will stage a 'competition' under Schedule 9 of the Gambling Act 2005 and will run such a competition in line with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and Code of Practice and DCMS Code of Practice issued by the Secretary of State.
- 4.5 The Council recognises that applicants may either apply for a casino premises licence or a provisional statement. As for all premises licences, applicants for a casino premises licence must fulfil certain criteria in that they must:
- a) hold or have applied for an operating licence from the Gambling Commission; and
  - b) have the right to occupy the premises in question.
- 4.6 Should an applicant be unable to meet these two criteria they should apply for a provisional statement.
- 4.7 Unless otherwise specified, any reference to the application and procedures for a premises licence for a casino in the following parts of this section will also include the application and procedures for a provisional statement for a casino.
- 4.8 Where a provisional statement application

is successful, the Council may limit the period of time for which the statement will have effect. This period may be extended if the applicant so applies.

- 4.9 The Council will ensure that any pre-existing contract, arrangement or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant.
- 4.10 In making a decision on both stages the Council will take heed of any current Codes of Practice, current Regulations and guidance issued by the Secretary of State for the Department of Digital, Culture, Media and Sport and the Gambling Commission.
- 4.11 The Council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. It may choose to exercise this option should there be only one application for a small casino premises licence or should, where there is more than one application, those applications fail to meet the Council’s aspirations for benefit for the East Lindsey area. Should the Council decide in the future to pass such a resolution, it will update this policy with details of that resolution.
- 4.12 Any such “no casino” decision will be made by the Full Council (the decision to pass such a resolution cannot be delegated to the Licensing Committee). Any resolution must apply to casino premises generally, so that the Authority cannot limit its effect to geographic areas or categories of casinos.
- N.B. A no casino resolution is a judgement made by a Local Authority that it will not allow any small, large or regional casino to be located in its authority area. The effect of a resolution would be not to issue a casino licence in the East Lindsey District.*
- 4.13 As per Part 8, Section 210 of the Gambling Act 2005 the Council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building and any licensing decision will not constrain any later decision by the Council under the law relating to planning or building.
- 4.14 The Council does have a preferred location for the new small casino. However, applicants can submit proposals for any site or location within the East Lindsey area and each will be judged on its own individual merits.
- 4.15 Although all applications will be considered on their merits, the Council’s provisional view is that the proposed casino licence should be allocated to a development within the East Lindsey Coastal Action Zone because of the need for regeneration in this part of the East Lindsey District. A plan showing the extent of the Coastal Action Zone is attached at Appendix 3 to this Policy.
- 4.16 Although an application for a casino premises licence may be made at any time the Licensing Authority is not bound to consider any such applications until an invitation has been published and the closing date for the submission of applications has passed.

## Application Process

### Stage 1

- 4.17 The Council will publish an invitation calling for applications. This invitation will be published in a trade newspaper, journal or similar publication. It will state the latest date the application must be made and the place from which a person may obtain an application pack.
- 4.18 The part of the application pack which relates to Stage 1 will include, as a minimum, the following:
- Guidance for applicants
  - Application form for Stage 1
  - Example notices
- 4.19 With regard to Stage 1 of the application process, the general principles as stated in Part B of this gambling policy (in so far as they relate to casino licensing) will apply to all applications.
- 4.20 At Stage 1 the Licensing Committee (or Licensing Sub-Committee), will determine, if there are valid representations, which applications would be granted if they were able to grant more than one application.

- 4.21 At Stage 1, the Council will not consider whether any of the applications is more deserving of being granted.
- 4.22 At this stage the Licensing Authority cannot accept any additional information other than the prescribed application form laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. All such additional information will be disregarded and returned to the applicant.
- 4.23 It is recognised that the Licensing Authority's decision may be the subject of an appeal, in which case the Licensing Authority will not proceed to Stage 2 until all appeals have been dealt with.

### Stage 2

- 4.24 Should more than one applicant pass through Stage 1, the process will proceed to the second stage with each successful applicant being invited to submit information about how their application would, if granted, benefit the East Lindsey district.
- 4.25 As detailed earlier in this policy document – the Licensing Authority's preferred location for the small casino is the Coastal Action Zone as shown on the plan attached at Appendix 3 of this policy document.

- 4.26 With regard to this Authority's preferred location of the casino, although applicants are able to submit plans for any site within the District which will be judged on their own individual merits, the Licensing Authority is provisionally of the view that the locations likely to bring the greatest benefit to the District is the Coastal Action Zone.
- 4.27 The part of the application pack which relates to Stage 2 will include, as a minimum, the following:
- Stage 2 evaluation methodology, including scoring matrix
  - Details of current Licensing Committee
  - Details of the Advisory Panel
  - Terms of reference for Advisory Panel
  - Example Schedule 9 agreement
  - Glossary
  - The Council's Corporate Strategy
- 4.28 At Stage 2, the procedure will follow the DCMS Code of Practice. However, the Code leaves individual Councils to determine the detail of their own procedure.
- 4.29 The Council will not bear any abortive costs of the unsuccessful applicants and their participation in all phases of the licence process is conducted entirely at the applicant's risk.

### Advisory Panel

- 4.30 It is recognised that the Licensing Committee does not necessarily have specialised expertise required to fully evaluate each application. It will seek professional expertise from Officers of the Council. Where this expertise is not available, it may seek independent expertise from outside the Council.
- 4.31 For this purpose, the Licensing Committee will appoint a non-statutory panel to assist it in the evaluation of the Stage 2 application process. This panel will be called the "Advisory Panel". The Advisory Panel will evaluate each application using the evaluation methodology and scoring provided in the application pack.
- 4.32 To ensure there are no conflicts of interest, applicants will be provided with a list of Advisory Panel members. Where objections are made, it will be necessary to give details of the substance of such objection. These objections will be considered by the Licensing Committee before the evaluation of Stage 2 applications commence.
- 4.33 Should an applicant wish to raise any objection to a member of the Advisory Panel; then:
- a) A formal objection must be served upon the Local Authority within 10 working days of the applicant requesting an Application Pack.
  - b) The objection must clearly indicate the grounds upon which the objection is being made.

- c) It will be for the Local Authority to determine the validity of any objection and to determine if any member of the Advisory Panel should be replaced on the basis of the objection(s) raised.

(The strict time constraints detailed at section (a) above, are to ensure that in the event of an Advisory Panel Member being replaced as a result of an applicants' objection, all applicants can be given due notice and opportunity to object to any 'Replacement' Advisory Panel Member(s); and to prevent the potential frustration of the procedure in the latter stages of the 'small casino premises licence'.

Objections raised 'out of time' will only be considered if the applicant can satisfy the Local Authority, that the objection could not reasonably have been made within the stipulated period for objections).

- 4.34 The Advisory Panel will engage in discussions with each second stage applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the East Lindsey area that would result from it (were it granted).
- 4.35 The Advisory Panel will report its findings to the Licensing Committee. The report will be made available to the applicant before being submitted to ensure that the information

provided within it is accurate. Should the applicant disagree with the evaluation, this will be noted and reported to the Licensing Committee, together with any necessary changes to the Advisory Panel's report.

- 4.36 The Licensing Committee will consider all the applications at Stage 2, and the report of the Advisory Panel. They will evaluate the proposals, in line with the principles below and determine which application, if granted, is likely to result in the greatest benefit to the area. This will involve an evaluation both of the benefits and the likelihood of their delivery.
- 4.37 The Licensing Committee will instruct Officers to complete negotiations on any written agreements made under Paragraph 5(3)(b) of Schedule 9 of the Act. Once the negotiations have been completed Officers will report to the Licensing Committee who will then grant the licence to the successful applicant and reject the remaining applications.
- 4.38 In line with Paragraph 5.7.4 of the Code of Practice, in determining the principles the Council intends to apply in making any determination for a casino premises licence, the Council has had specific regard to the following:

- a) The financial and other contribution a second stage applicant proposes to make to the East Lindsey area,
- b) The likely effects of an application on employment, the local economy and regeneration within the Authority's area,
- c) Whether, and the extent to which, the benefits offered are pursuant to an agreement under Paragraph 5(3)(b) of Schedule 9 or otherwise.

4.39 In line with Paragraph 3.3 of the Code of Practice, in determining the principles the Council intend to apply at Stage 2, it will disregard the existence of any contract, arrangement or other relationship already in place; and will

- put in place arrangements to ensure that any such contract, arrangement or other relationship does not, actually or apparently, prejudice its ability to conduct the procedure fairly; and will
- prepare a register of interests disclosing their interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant.

### Principles

- 4.40 At Stage 2 the applicant will be required to state and demonstrate the benefit that they can bring to the East Lindsey area.
- 4.41 The Council will seek to determine the greatest benefit through the following principles:

<b>Financial</b>	To seek to maximise the financial return to the Council
<b>Social</b>	To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the East Lindsey area.
<b>Economic</b>	To secure a positive and significant economic impact for the local economy through the provision of a Small Casino in East Lindsey.

### Evaluation Criteria

- 4.42 The Council will publish a detailed evaluation methodology, which includes the information applicants are required to supply in order to support their application, and the weight that will be placed on each criterion. This evaluation methodology will be included in the application pack.
- 4.43 Applicants should carefully examine the evaluation methodology and tailor their application accordingly to ensure that they maximise benefits in accordance with this methodology.
- 4.44 In line with Paragraph 5.7.4 of the Code of Practice, the Council has selected the following criteria which they will use to evaluate and score applications:

- Financial Contribution
- Socio-Economic
- Risk and Deliverability



## Financial Contribution

- 4.45 The Council is seeking to identify and quantify the level of financial contribution that could be secured for the East Lindsey area. It is expected that the contribution will comprise a mixture of annual payments received from the applicant and a lump sum payable upon signing of any agreements and on specified dates and/or events thereafter.
- 4.46 The financial contribution will be used by the Council to establish and maintain a Council administered Social Inclusion Fund (SIF) which will facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the East Lindsey area.
- 4.47 The financial contribution will be evaluated in terms of its ability to fund a credible and sustainable SIF. As such a mixture of upfront and annual payments is required.
- 4.48 The scoring of financial contributions will be weighted as follows:

### Financial Contribution 33%

- Net Present Value of total financial offer
- Upfront capital payment paid to the Council on completion of the Schedule 9 Agreement

- Net Present Value of annual cash sum offer
- Credibility of financial assumptions and offer

- 4.49 Further detail including the information required, its format and how the submission will be evaluated will be found in the evaluation methodology included in the Stage 2 application pack.

## Socio-Economic

- 4.50 The Council is seeking to identify and quantify the level of expected net socio-economic benefits that could be secured for the East Lindsey area based on the projected gross levels applicants believe their proposals will generate.
- 4.51 The Council will expect to see that the applicant has tailored its proposals specifically to the requirements of East Lindsey through research and detailed assessment of the physical, social and economic position as outlined in its vision documents. These documents will be made available in the Stage 2 application pack.
- 4.52 Applicants should have regard to the proposed location of the premises, with regard to meeting the licensing objective which seeks to protect children and vulnerable people from being harmed or exploited by gambling. Applicants will be

asked to provide information related to the area in which their proposed development is situated in their strategy and vision documents.

- 4.53 Applicants will be asked to provide information on how their development will impact on employment and training, including amongst others, vocational qualifications as well as opportunities for East Lindsey businesses and the local supply chain.
- 4.54 Applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the small casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the East Lindsey area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the small casino and make contractual commitments in the Schedule 9 agreement on all mitigation measures proposed.
- 4.55 The scoring of the socio-economic benefits will be weighted as follows:

### Socio-Economic 34%

- Strategy and vision for proposed development
  - Economic Benefits (Gross):
    - Net contribution to local economy (including direct employment and Gross Value Added - GVA)
    - Credibility of economic assumptions
  - Net social impacts
- 4.56 Further detail including the information required, its format, data requirements and how the submission will be evaluated will be found in the evaluation methodology included in the Stage 2 application pack.

### Risk and Deliverability

- 4.57 At Stage 2 the Council will assess the risk and deliverability of the proposed scheme. In particular, the Council will wish to consider what legal and financial assurances there are that the proposed development will be delivered within 5 years, and that the promised benefits will both materialise and be maintained. Firm evidence is required that all benefits and development proposed can be funded and a contractual obligation with penalties for non-delivery is required.
- 4.58 The application pack will include a template agreement under Paragraph 5(3)(b) of Schedule 9 to the 2005 Act ('a Schedule 9 Agreement'). Such an agreement will be negotiated with the applicants during the Stage 2 evaluation

process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where the benefits, including delivery of the development itself, are made subject of contractual obligation and where the applicant provides damages for non-delivery are likely to receive greater weight in the evaluation process.

- 4.59 The Council is aware that the casino application may form part of a wider development proposal or be a new development. A casino development with firm contractual commitment to be fully operational within a 5 year timescale with proof of funding and with meaningful payment proposed for late or non-delivery will score more highly than a casino development that is not supported by a contractual commitment and/or meaningful payments for late or non-delivery and/or proof of funding. Any part of a wider development proposal which is not directly required for the delivery of the casino will score more highly if the applicant commits to completing the wider development within a 5 year timescale, proposes meaningful payment for late or non-delivery and provides proof of funding. These commitments will be contained within the Schedule 9 agreement and the five-year timescale will start from the signing of the Schedule 9 agreement. Applicants must demonstrate that all development proposals are credible.

- 4.60 The scoring of risk and deliverability will be weighted as follows:

### Risk and Deliverability 33%

- Contents of the Schedule 9 Agreement
- Deliverability:
  - Financing
  - Financial Standing
  - Right to occupy the site/premises
  - Credibility of approach to implementation

- 4.61 Further detail including the information required, its format and how the submission will be evaluated will be found in the evaluation methodology included in the Stage 2 application pack along with a template Schedule 9 Agreement.

### Unsuccessful Stage 2 Applicants

- 4.62 Following the decision of the Licensing Authority the unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable. It is noted that once a decision has been made there will be no right of an appeal.

## 5. Bingo Premises

5.1 Entry to bingo premises is not generally age restricted although entry to certain areas of the premises will be restricted by law if they contain Category C gaming machines. If the bingo premises operator intends not to allow under 18s entry to any part of the premises then this Authority will expect to be advised of the same by the operator/licensee as soon as reasonably possible after that decision has been made.

5.2 In accordance with the Gambling Commission's Guidance, the Licensing Authority recognises that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on Category D machines. Where Category C or above machines are available in the bingo premises to which children are admitted, the Licensing Authority will seek to ensure that:

- all such machines are located in an area of the premises separate 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 the machines are located;
- access to the area where the machines are located is supervised;

- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

In most cases the Licensing Authority will be happy to accept a solid waist high barrier (e.g. 1.1 to 1.4 metres in height) in order to designate the adult only Category C gaming machine area. The barrier must be fixed and not something which is transient or easily moveable.

- 5.3 Operators of licensed bingo premises are reminded of the content of the Gambling Commission's Social Responsibility (SR) Code for licensed bingo premises and the provision of gaming machines in such premises. The Code addresses the issue of gaming machines and provides that gaming machines must only be made available in combination with the non-remote gambling facilities named on the operating licence.
- 5.4 Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice and advice issued by the Gambling Commission. High turnover bingo will require a Bingo Operating Licence. Definitions of low and high turnover bingo are available by referring to the Gambling Commission's website.

- 5.5 With regard to turnover, where the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will inform the Gambling Commission accordingly.
- 5.6 The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

## 6. Betting Premises

- 6.1 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises and children will not be permitted entry to a premise with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. In addition, the Licensing Authority recommends that an applicant for betting machines in such premises consider carefully the location of betting machines to ensure that they are not in sight of the entrance to the premises.
- 6.2 The Licensing Authority will consider limiting the number of betting machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the Licensing Objectives. Where there is such evidence, the Licensing Authority may consider, when reviewing the licence,

the ability of staff to monitor the use of such machines from the counter. When considering whether or not to impose such a condition the Licensing Authority will take into account the following:

- 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 or vulnerable persons.

In deciding whether to impose conditions to limit the number of betting machines each case will be considered on its own merits and account will be taken of the relevant Codes of Practice and Guidance issued under the Gambling Act 2005.

- 6.3 Operators of licensed betting premises are reminded of the content of the Gambling Commission's Social Responsibility (SR) Code for licensed betting premises and the provision of gaming machines in such premises. The Code addresses the issue of gaming machines and provides that gaming machines must only be made available in combination with the non-remote gambling facilities named on the operating licence.
- 6.4 The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued

by the Gambling Commission. In determining whether an application meets the aforementioned criteria the Licensing Authority may give consideration as to whether appropriate measures are or will be in place to address the matters listed below:

- Minimum staffing levels
- Induction training for new staff and refresher training for existing staff
- Refusals register
- Proof of age schemes (e.g. Think 21)
- Provision of CCTV
- Entry control system
- Supervision of entrances/ machine areas
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not exhaustive and is merely indicative of examples measures. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives.

## 7. Tracks

- 7.1 There are currently no tracks operating in the East Lindsey District, however this Statement of Principles contains provision for the event of such a premise.
- 7.2 The Licensing Authority recognise that tracks are different from other premises in that there may be more than one Premises Licence in effect and that the track operator may not be required to hold an Operators Licence as there may be several premises licence holders at the track who will need to hold their own operator licences. As children and young persons will be permitted to enter track areas where facilities for betting are provided (e.g. dog racing and/or horse racing), the Licensing Authority will expect premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. The Licensing Authority will expect applicants to consider their own measures to meet the Licensing Objectives, however, appropriate measures may cover issues such as:
  - Proof of Age schemes
  - CCTV
  - Door supervisors
  - Supervision of entrances/exits/machine areas
  - Physical separation of areas

- Notices / signage
- Specific Opening Hours
- Location of entry and gaming machines
- 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.

7.3 The Licensing Authority will consider on its own merit applications for venues such as athletics tracks or sports stadium for track betting licences to cover the whole track.

7.4 Where appropriate, in order for the Licensing Authority to gain a proper understanding of what it is being asked to licence, applicants will be required to:

- Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the race track;
- In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facilities;
- Evidence measures taken to ensure the third Licensing Objective will be complied with;

- Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for, that purpose.

- Define the areas of the track that will be used by on course operators visiting the track on race days.

- Define any temporary structures erected on the track for providing facilities for betting.

- Define the location of any gaming machines (if any).

7.5 Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

7.6 The Licensing Authority recommends an applicant seek further advice from the Gambling Commission prior to submission of their application.

7.7 With regard to gaming machines on tracks, the Licensing Authority will consider carefully the location of any adult gaming machines at tracks to ensure that these machines are in areas which children are excluded, though it is recognised that children and young persons are not prohibited from playing Category D machines on a track.

- 7.8 Betting and Gaming Machines on Tracks - The Licensing Authority recognises the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines. It is the responsibility of the track operator to ensure compliance with the law in preventing children from using these machines. It is for this reason the Licensing Authority may consider restricting the number and location of machines, however, each application will be considered on its own merit.
- 7.9 Self contained betting offices on Tracks - In general, the rules that apply to betting premises away from tracks will apply to self contained betting premises on tracks and the Licensing Authority will consider future guidance from the Gambling Commission about how such premises should be delineated, both to make it clear to the public that they are entering a 'betting office' and to prevent the entry of children and young persons. Applicants are recommended to consider the Gambling Commission's view that it would be preferable for all self-contained premises operated by off course betting operators on track to be the subjects of separate premises licences. This would thus ensure that there was clarity between the respective responsibilities of the track operator and the off course-betting operator running a self-contained unit on the premises.
- 7.10 On advice from the Gambling Commission, the Licensing Authority may attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made

available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office. The Licensing Authority would welcome other suitable methods.

## 8. Travelling Fairs

- 8.1 Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements on the way the machine operates. They may provide an unlimited number of Category D gaming machines and the Licensing Authority will expect proof that the facilities for gambling amount to no more than an ancillary amusement at the fair.
- 8.2 The Licensing Authority will consider whether or not a travelling fair falls within the statutory definition of a travelling fair and recognises 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. The Licensing Authority will work with the neighbouring authorities to ensure that land that crosses joint boundaries is monitored so that the statutory limits are not exceeded.



## 9. Gaming Machines

- 9.1 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 9.2 Where the Licensing Authority has concerns about the manufacture, supply or repair of a gaming machine it will bring this to the attention of the Gambling Commission.
- 9.3 The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, Category D machines by children and young persons and their separation from Category C and B machines where those are also located on the same premises.
- 9.4 The Licensing Authority seeks to discourage applications for Premises Licences for the sole purpose of obtaining the ancillary provision of additional gaming machines where the principal activity either does not take place or is minimal. The Licensing Authority believes that the Gambling Act 2005 intended to set restrictions on the number of gaming machines for certain premises and considers that the fact that the licence authorised the holder to provide facilities for betting or bingo means that the operator must provide those facilities to qualify for the ancillary entitlement to gaming

machines. The Licensing Authority is aware that the Gambling Commission's Social Responsibility Code for Operators addresses the issue of gaming machines and provides that gaming machines must only be made available in combination with the non-remote gambling facilities named on the operating licence.

- 9.5 **Penny Falls and Crane Type Gaming Machines** - The coastal resorts within the East Lindsey District have a long history of providing family type gaming machines, such as penny falls and cranes. Such machines are primarily aimed at children and family type gaming. We recognise that, on the whole, such machines provide a low risk in relation to the licensing objectives. However, as with all gaming machines, such machines must be operated in a fair and open manner and in line with the protection of children from harm licensing objective.

Any non-monetary prizes within such machines must comply with the maximum prize limits laid down in the regulations prescribing gaming machine categories and entitlements. If items such as toy mobile phones (or other similar novelty items) are offered as prizes then this Authority will expect to see clear signage (displayed on or near the machine in question) indicating that such items are toys / novelty items.

This Authority will bring to the attention of specific machine operators any examples of prizes which it feels are inappropriate or require clarification to prospective machine users. In addition, where it is able to do so this Authority will undertake appropriate compliance action when it feels that prizes within penny falls, cranes and other similar machines are outside the scope of the open and fair and protection of children licensing objectives.

## 10. Premises Reviews, Licensing Committee and Other Matters

- 10.1 The Licensing Authority itself on its own volition may review a Premises Licence. Interested Parties or Responsible Authorities can also make requests for a review; however, it is for the Licensing Authority to decide whether or not the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the Authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous requests for review.
- 10.2 The review will be:
- In accordance with any relevant Code of Practice issued by the Gambling Commission
  - In accordance with any relevant Guidance issued by the Gambling Commission
- 10.3 The Licensing Authority will endeavour to process review applications without delay and in any event in accordance with Regulations.
- 10.4 The Licensing Authority may initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for premises licences in a speculative manner without intending to use them.
- 10.5 Licensing Committee - The Licensing Committee will consist of 11 Members. Licensing Sub-committees consisting of 3 Committee Members will normally hear any relevant representations from Responsible Authorities and interested parties.
- 10.6 The Licensing Committee will not place themselves in situations where their honesty or integrity may be questioned, will make decisions on their merit and will reach their own conclusions on the issues laid before them and will act in accordance with those conclusions taking into account as necessary and proper, the views of others.
- 10.7 The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other relevant legislation.
- Reasonably consistent with the Licensing Objectives, and
  - In accordance with the Licensing Policy Statement.

- 10.8 Appeals - There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to the Magistrates Court.
- 10.9 Provisional Statements - Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

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

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises

licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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:

- which objectors could not have raised at the provisional statement stage;

- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premise has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

## 11. Think 21 Policy

- 11.1 The Licensing Authority strongly supports campaigns to reduce the illegal access of underage persons to adult only gambling and encourages the use of a Think 21 policy within premises providing adult only gambling facilities. Under the scheme, premises providing adult only gambling facilities should seek proof of age from anybody who appears to be under the age of 21. The policy should create a culture of expectation that in premises providing adult only gaming facilities, proof of age should either be offered or produced on demand and that this should be the norm as far as access to over 18 gambling is concerned.
- 11.2 Whilst supporting the Think 21 Scheme the Licensing Authority recognises that some premises may wish to go a step further by introducing a Think 25 Scheme.

## 12. Test Purchasing

- 12.1 This Authority will undertake covert test purchasing exercises in order to check compliance with the requirement that under 18s do not access 'adult only' gambling facilities. This exercise is in response to concerns about underage gambling vulnerabilities in particular sub-sectors of the gambling industry. Under the terms of the Gambling Commission's Licence Conditions and Codes of Practice operators must monitor the effectiveness of their policies and procedures for preventing underage access to gambling premises and products. At the time of the drafting of this policy certain sub-sectors of the gambling industry had not provided the Gambling Commission with any assurances that this was happening. Those sub-sectors are, broadly, the small and medium-sized Betting Premises, Adult Gaming Centres and Family Entertainment Centres.
- 12.2 There are also no assurances in relation to Category C gaming machines in alcohol licensed premises to which under 18s have access. With this in mind this Authority intends to include Alcohol Licensed Premises with Category C gaming machines as being appropriate for test purchasing – this being in order to monitor the effectiveness of their policies and procedures for preventing underage access to gambling products.
- 12.3 Both this Authority and the Gambling Commission have particular concerns with regards to access to adult only gaming machines, which may be accessible without any interaction between the player

and a member of staff. With this in mind, and taking into consideration the concerns detailed in paragraph 12.1 above, this Authority will continue with its policy of targeted test purchasing exercises.

- 12.4 There are number of steps which this Authority would recommend to operators in order to prevent underage access and monitor the effectiveness of their policies. These steps include the adoption of a Think 21 Policy and the use of third party test purchasing in order to test the effectiveness of the Think 21 Policy. Further recommended steps can be found in the 'Premises Sections' and the Safeguarding Children Section of this policy document.

## 13. Credit Facilities

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

## 14. Local Risk Assessments

- 14.1 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provision 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 identified in this policy document.
- 14.2 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstance, including those identified in this policy;
  - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - when applying for a variation of a premises licence.
- 14.3 In addition, operators must undertake a local risk assessment when applying for a new premises licence.
- 14.4 The Local Risk Assessment should indicate the provision of gambling facilities at each individual premises, and set out the policies, procedures and control measures that the operator has in place to mitigate those risks.

- 14.5 This Authority will expect that the manager of the gambling premises in question (and wherever possible the local staff) are involved in the formulation of the local risk assessment. It is also expected that a copy of the finalised local risk assessment will be kept at the gambling premises in question and be made available to staff (and inspecting officers) at all times.
- 14.6 This Authority will expect 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 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;
  - significant presence of young children, both residents and visitors;
  - high unemployment area;
  - nearby homeless hostels;
  - nearby gambling, alcohol, drug or mental health support facility;
  - the area has a high number of rough sleepers/homeless people;
- the area has a specific ethnic population;
  - pawn broker/pay day loan businesses in the vicinity;
  - other gambling premises in the vicinity.
- 14.7 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 14.8 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 location 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 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 facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the Licensing Authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

- 14.9 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.
- 14.10 A copy of the Local Risk Assessment should be submitted to the Licensing Authority when an operator applies for a new gambling premises licence or a variation to an existing premises licence. The Local Risk Assessment should also be presented at such other time as the Licensing Authority may require (e.g. during the annual premises compliance check).

- 14.11 Other than at the time of applications and annual compliance checks, this Authority may also require risk assessments to be submitted (or revisited) when there has been a significant change in local circumstances or at a particular premise that might affect the mitigation of local risk.

## 15. Local Area Profile

- 15.1 The Gambling Commission Guidance to Licensing Authorities includes a recommendation for Local Authorities to produce a Local Area Profile. The purpose of a Local Area Profile being a means of “mapping out” local areas of concern surrounding the licensing objectives under the Gambling Act 2005.
- 15.2 There is no legal requirement upon Licensing Authorities to prepare a Local Area Profile, but the Gambling Commission is strongly encouraging Authorities along this route. Where an Authority does prepare a Local Area Profile, gambling operators will need to take it into account in preparing their own Local Risk Assessments for their gambling premises.
- 15.3 This Authority is currently working towards producing a Local Area Profile. Our aim is that the Local Area Profile will take account of a wide range of factors, data and information available to the Authority and its partner agencies,

such as the Police, public health, housing and education bodies, community welfare groups and safety partnerships and organisations.

- 15.4 The aim of the Local Area Profile will be to increase awareness of local risk. An area will be identified as high risk, for example, because of its proximity to a school, youth centre, hostel or rehabilitation centre.
- 15.5 Local Risk Assessments are now a mandatory requirement for gambling operators.



## Part C - Statement of Principles on Permits

### Permits / Temporary & Occasional Use Notice

Note for information: The Gambling Act 2005 introduced a range of permits for gambling. 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. The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications. Where a Permit is granted, the Licensing Authority will issue the Permit as soon as is reasonably practicable.

### 1. Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

- 1.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this 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.
- 1.2 The Licensing Authority must be satisfied that the premises will be used as an unlicensed Family Entertainment Centre (i.e. an amusement arcade) and Lincolnshire Police must be consulted on all applications.
- 1.3 When determining a permit, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and although not required to, will have regard to the three Licensing Objectives.

- 1.4 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues. 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 the Licensing Authority will expect applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling, which is permissible in unlicensed FECs.
  - That staff are trained to have a full understanding of the maximum stakes and prizes.
  - The applicant's previous history and experience of running similar premises.
  - Applicants must produce a Basic Disclosure and Barring Service (DBS) check dated within one calendar month of the date of the application being submitted to the Licensing Authority. The Disclosure will reveal the existence and content of any criminal record (not spent under the terms of the Rehabilitation of Offenders Act) held in the name of the applicant.
  - Where the applicant is a Company then a current Basic DBS Disclosure must be submitted in respect of each Director of the Company (but see paragraph 1.5 below).
- 1.5 Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.
- 1.6 When considering any convictions revealed in an application the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and 'spent' convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.
- 1.7 Statement of Principles for Unlicensed Family Entertainment Centres - As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:
- A scaled plan of the premises indicating the location of Category D machines, Automated Teller Machines and any appropriate notices that are to be displayed;
  - The approximate number of Category D machines that will be provided;
  - Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
  - Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
  - A Basic Disclosure and Barring Service (DBS) check dated within one calendar month of the date of the

application being submitted to the Licensing Authority (unless the applicant holds a current Operator's Licence issued by the Gambling Commission);

- Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
- Training for staff as regards dealing with suspected truant school children on the premises;
- Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations (including safeguarding issues). The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises;
- The amount of space around gaming machines to prevent jostling of players or intimidation;
- Details of opening hours;
- Approximate numbers of staff employed.

- 1.8 Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is reason for such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.
- 1.9 With regard to renewal applications, the 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 the pursuit of the Licensing Objectives.
- 1.10 Where the Permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed. Applicants and permit holders are reminded that there is no provision within the Gambling Act 2005 and associated regulations which enable the transfer of a permit from one person to another.
- 1.11 The Licensing Authority recommends that applicants for unlicensed FEC Permits consider adopting

BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

## 2. Alcohol Licensed Premises Gaming Machine Permits

- 2.1 With regard to gaming machines on premises that sell alcohol, the applicant is entitled to up to 2 gaming machines of Category C or D machines, subject to the applicant notifying the Licensing Authority, paying the prescribed fee and complying with any relevant Codes of Practice issued by the Gambling Commission.
- 2.2 The Licensing Authority may remove the automatic authorisation if:
- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
  - Provision of the machines is not compliant with the mandatory conditions relating to location and operation of machines;
  - Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act;
  - An offence under the Gambling Act has been committed on the premises; or
  - The premises are mainly used for gaming
- 2.3 The Licensing Authority will expect the applicant to comply with any Codes of Practice issued by the Gambling Commission and consider such measures to ensure that under 18s do not have access to the adult only gaming machines. The Licensing Authority recommends considering such measures as:
- The adult machines being sited close to the bar;
  - The adult machines being sited where staff can monitor them;
  - Appropriate notices and signage;
  - Provision of information leaflets/help line numbers for organisations such as GamCare.
- 2.4 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 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 the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be 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.

- 2.5 There is no statutory limit on the number of machines, which may be applied for. However it is the Licensing Authority's policy that a licensing hearing must consider any application for three or more machines where Officers are of the opinion that the premise is not suitable for the number of machines applied for. It is important to note that the hearing is unlikely to grant a permit for more than six machines and even then six machines will normally only be granted to exceptionally large premises.

- 2.6 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 machines.
- 2.7 It is recognised that some alcohol-licensed premises may apply for a premises licence or an uFEC permit for their non-alcohol licensed areas. For the room in question to obtain a permit its predominant use must be that of an amusement arcade. There must also be some form of acceptable delineation, which indicates that the alcohol area and family entertainment centre are two separate premises.
- 2.8 Gaming in alcohol-licensed premises - The Licensing Authority recognises that low level gaming may take place in alcohol-licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. A nominated gaming supervisor should therefore supervise gaming in alcohol-licensed premises, (i.e. the Designated Premises Supervisor (DPS)) and all gaming should comply with the Codes of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Licensing Authority expects the applicant to be aware of and adopt these Codes of Practice and to ensure that all gaming in such premises is suitably managed.

## 3. Prize Gaming Permits

3.1 Prize Gaming Permits must be obtained where a Casino or Bingo Operating Licence is not in effect. However, a casino is not entitled to provide bingo without a Prize Gaming Permit. As children and young persons may participate in equal chance prize gaming, and given that the premises will particularly appeal to children and young persons, the Licensing Authority has prepared a Statement of Principles that it proposes to apply in exercising its functions which specifies matters that the Licensing Authority propose to consider in determining the suitability of an applicant for a Prize Gaming Permit.

3.2 The Licensing Authority will require detailed information when an applicant applies for this Permit, as follows:

- A scaled plan of the premises indicating the location of the machines, other prize gaming facilities, etc., and any appropriate notices that are to be displayed;
- Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
- Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
- A Basic Disclosure and Barring Service (DBS) check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current Operator's Licence issued by the Gambling Commission);

- Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
- Policies and procedures in place to protect children from harm. Harm in this case 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 such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises;
- The amount of space around gaming machines to prevent jostling of players or intimidation;
- Details of opening hours;
- Approximate numbers of staff employed.

3.3 Where the applicant is a Company then a current DBS Disclosure must be submitted in respect of each Director of the Company (but see paragraph 3.4 below).

3.4 Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.

- 3.5 When considering any convictions revealed in an application the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors, which may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and 'spent' convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005
- 3.6 In making its decision on an application for this permit, the Licensing Authority does not need to have regard to the Licensing Objectives and will take into account, after consultation, any objections that the Police may wish to make whether relevant to the Licensing Objectives. The grounds for decision making as regards renewals are the same as for initial applications.
- 3.7 Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and offering the applicant an opportunity to make representations orally or in writing or both.
- 3.8 Where an application is granted the Licensing Authority will issue it as soon as is reasonably practicable.

## 4. Club Gaming and Club Machine Permits

- 4.1 Members Clubs and Miners' Welfare Institutes (not Commercial Clubs) may apply for a Club Gaming Permit or Club Gaming Machine Permit. Before granting a Permit, the Licensing Authority must be satisfied that the premises meets the requirements of a members' club.
- 4.2 The Licensing Authority recognises that there is a 'fast track' procedure for premises holding a Club Premises Certificate under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which the Licensing Authority can refuse a permit are reduced.
- 4.3 Gaming in Commercial Clubs - A commercial club is a club that is established as a commercial enterprise and differs from a members' club that is conducted for the benefit of its members. Commercial Clubs may only apply for Club Machine Permits, not Club Gaming Permits. The Licensing Authority expects Commercial Club licence holders to comply with the Gambling Commission's Codes of Practice and the Secretary of State's statutory stakes and prizes limits.

- 4.4 Gaming in Clubs and Compliance - Holders of Club Gaming and Club Machine permits are reminded that such permits will be monitored by the Licensing Authority for compliance and that there are powers to review and revoke in the event of non-compliance. In order to gain the levels of gaming authorised by a Club Gaming or Club Machine permit the club concerned must operate as a bona fide members club - permit holders should be aware that where appropriate such matters will be scrutinised by the Licensing Authority.
- 4.5 Licensing 2003: Review of a Club Premises Certificate or a Premises Licence for a Commercial Club – Where the Licensing Authority is considering the review of a Club Premises Certificate or a Premises Licence, and that club holds a Club Gaming or Club Machine Permit, the Licensing Authority may, where appropriate, at the same time decide to review the status of the permit.

## 5. Temporary Use Notices (TUN)

- 5.1 A Temporary Use Notice may only be granted to a person or company holding a relevant Operating Licence and there are a number of statutory limits as regards TUNs. Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' prevents one large premise from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. The Licensing Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site.
- 5.2 In considering whether a place falls within the definition of a 'set of premises' the Licensing Authority will look at the ownership/occupation and control of the premises and the Licensing Authority will consider whether different units are in fact different 'sets of premises'. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as one premise and would not be granted a temporary use notice for each of its exhibition halls.



- 5.3 On receipt of a TUN the Licensing Authority will send a written acknowledgement as soon as is reasonably practicable and this may be by way of e-mail.
- 5.4 The Licensing Authority may 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. The Licensing Authority and other bodies to which the notice is copied may give notice of objection but they must have regard to the Licensing Objectives and where there are such objections, they must give a notice of objection to the person who gave the TUN, such notice will be copied to the Licensing Authority.

## 6. Occasional Use Notices (OUN)

- 6.1 An Occasional Use Notice may be used where there is betting on a track on 8 days or less in a calendar year. The OUN dispenses with the need for a Betting Premises Licence for a track and the Licensing Authority will maintain a register of all applications.
- 6.2 Tracks are normally thought of as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place. Although the track need not be a permanent fixture, land used temporary as a track providing races or sporting events may qualify. The Licensing Authority will, however, consider what constitutes a 'track' on a case-by-case basis and will ensure that the statutory limit of 8 days in a calendar year is not exceeded.

## 7. Small Society Lotteries

- 7.1 The Licensing Authority registers and deals with small society lotteries. Promoting or facilitating a lottery falls within one of the following categories:
- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
  - Small Society Lotteries (registered with the Licensing Authority); and
  - Exempt Lotteries
- 7.2 Lotteries permitted to be conducted without a licence from the Gambling Commission and these are:
- Small Society Lotteries (registered with the Licensing Authority);
  - Incidental Non-Commercial Lotteries;
  - Private Lotteries: (Private Society Lottery, Work Lottery, Residents' Lottery);
  - Customer Lotteries
- 7.3 Societies may organise lotteries if they are licensed by the Gambling Commission, registered with the Licensing Authority or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits are available by referring to the Gambling Commission website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).
- 7.4 Applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 7.5 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration.
- 7.6 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society and in particular may require a copy of the society's constitution.
- 7.7 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.

- 7.8 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 7.9 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all small society lotteries it registers:
- tickets should not be sold in a street - street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
  - tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence conditions imposed by the Gambling Commission upon operators of large lotteries.

## 8. Review of Licensing Policy, etc.

- 8.1 This Policy (Statement of Principles) will remain in existence for a period of three years and will be subject to review and further consultation before 2028. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.
- 8.2 Delegated Powers - Decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at Appendix 1. This is aimed at underlining the principles of timely, efficient and effective decision-making.
- 8.3 Inspection and Enforcement - In respect of compliance the Licensing Authority will take the lead in ensuring compliance with the licence and any relevant Codes of Practice. The Gambling Commission will be the enforcement body for the Operator and Personal Licences and illegal gambling. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but information will be passed on to the Gambling Commission where such concerns are found.

- 8.4 In order to ensure compliance with the law, the Licensing Authority will prepared a risk based Inspection Programme and will carry out regular 'routine' programmed inspections, based on risk assessment in the categories High, Medium and Low and will also carry out 'non routine' inspections. Where one off events are taking place under a Temporary Use Notice (TUN) or Occasional Use Notice (OUN), the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.
- 8.5 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.
- 8.6 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:
- Article 1, Protocol 1 - peaceful enjoyment of possessions
  - Article 6 - right to a fair hearing
  - Article 8 - respect for private and family life
  - Article 10 - right to freedom of expression
- 8.7 Any decision to instigate legal proceedings will take into account the Authority's Enforcement Policy. In addition, the Licensing Authority will adopt a positive and proactive approach towards ensuring compliance by:
- Helping and encouraging licence/permit holders understand and meet their regulatory requirements more easily; and
  - Respond proportionately to regulatory breaches.
- 8.8 The Licensing Authority will aim to protect and enhance the safety of people who live in, work in, or visit the East Lindsey District through the application and enforcement of licensing legislation and the promotion of the Licensing Objectives.
- 8.9 The Licensing Authority sets out below the principles to be applied in exercising its functions with regard to inspection of premises and enforcement. The Licensing Authority in carrying out its regulation functions will follow the Statutory Code of Practice for Regulators.
- Proportionate: regulators only intervening when necessary.
  - Accountable: regulators to justify its decisions
  - Consistent: standards and rules to be joined up and implemented fairly
  - Transparent: regulations to be simple and user friendly
  - Targeted: focused on the problem

- 8.10 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible and will keep itself informed of developments as regards the work of the statutory Code of Practice for Regulators.
- 8.11 Premises licence holders are advised that where following the receipt of a warning or warnings in relation to a premises licence breach or breaches, an operator subsequently breaches the licence conditions, the Licensing Authority will seek to review the premises licence.
- 8.12 Enforcement in relation to Bookmakers - The Licensing Authority recognises that certain bookmakers have a number of premises within the area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single named point of contact, who should be a senior individual, and whom the Licensing Authority will contact first should any compliance queries or issues arise.

## 9. Delegation of Functions

- 9.1 The table shown at Appendix I of this Policy sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee, or to the Full Committee, if considered appropriate in the circumstances of any particular case. The table at Appendix I shows the scheme of delegation at the time of adopting this Policy document. Such scheme of delegation may be subject to addition or amendment at a later date without the need to amend this written document.

## Appendix 1 - Summary of Delegated Powers

Any other relevant matter not detailed in this scheme of delegation will be dealt with (where appropriate) by a Sub-Committee of the Licensing Committee.

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Three year licensing policy (statement of principles)	X		
Policy not to permit casino(s)	X		
Fee Setting (when appropriate)	Executive Board		
Application for premises licenses		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission and not withdrawn	Where no representations received from the Commission/ representations have been withdrawn
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence *See note at the bottom of this table.		X	
Application to amend / replace default premises licence condition		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Cancellation of club gaming/club machine permits		X	
Applications for other permits / authorisations		Where officers believe there is a reason to refuse the application	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	
Registration of small society lotteries		Where Officer's believe there is a reason to refuse the application for registration	X
Removal of automatic entitlement of two gaming machines in alcohol licensed premises		X	
Cancellation of lottery registration due to non-payment of annual fee			X

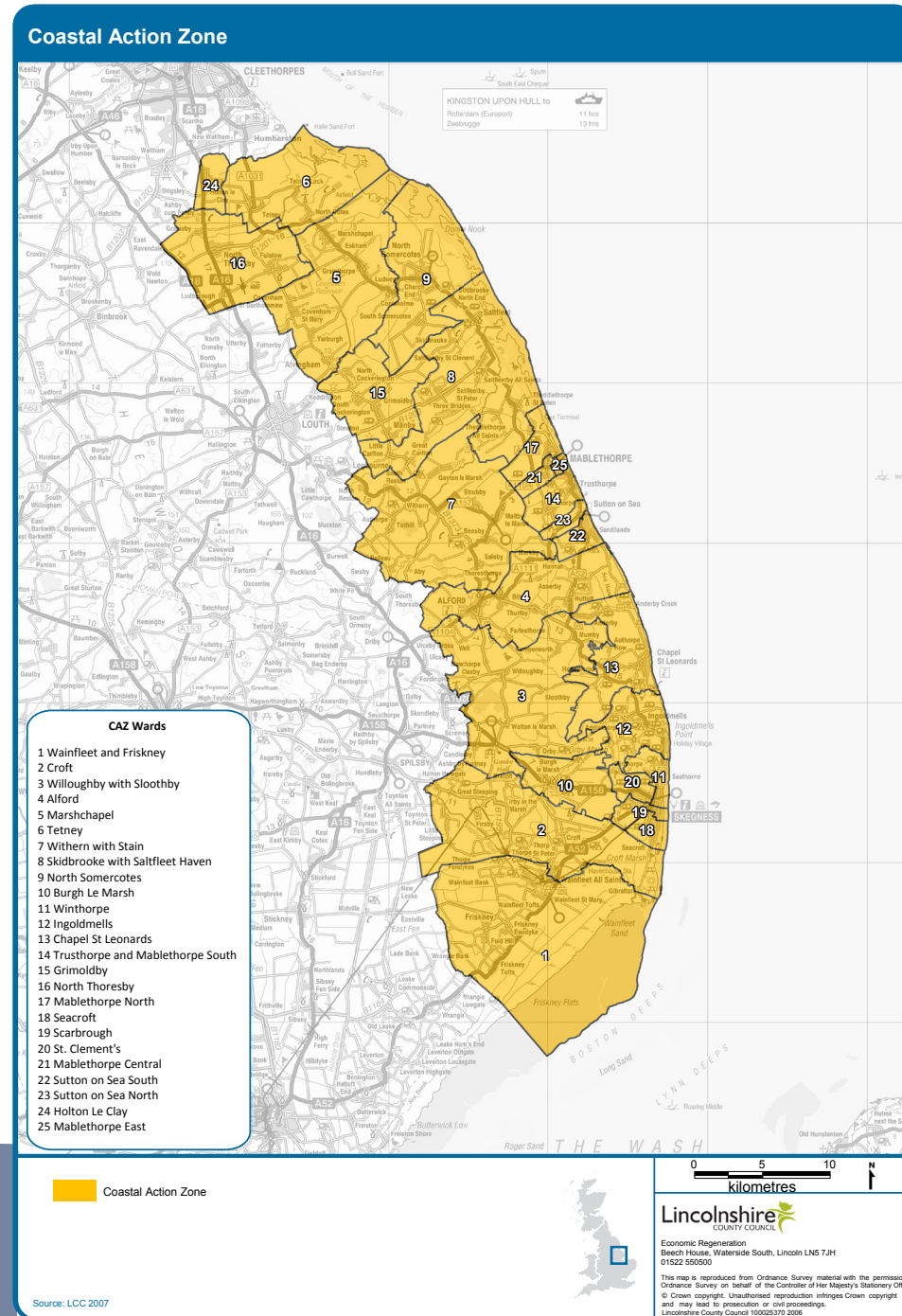
*Premises Review applications will be considered by a Licensing Sub-Committee. Any review applications initiated by the Licensing Authority will be called before the Committee by officers acting under delegated powers. The delegated power to initiate reviews by the Licensing Authority is vested with the Group Manager Public Protection or his/her nominated deputy.*

*The setting of licence and permit fee levels will be undertaken by the Executive Board of the Council acting on the recommendations of the Licensing Committee.*





# Appendix 3 - Map of the East Lindsey Coastal Action Zone



## Appendix 4 - List of Consultees

### Gambling Policy – Consultation

A copy of the Consultation Document was sent to all the following:

- Skegness Town Council
- Horncastle Town Council
- Louth Town Council
- Mablethorpe Town Council
- Coningsby Town Council
- Alford Town Council
- Spilsby Town Council
- Tattershall with Thorpe Parish Council
- Ingoldmells Parish Council
- Chapel St Leonards Parish Council
  
- Lincolnshire Police
- Lincolnshire Trading Standards
- Lincolnshire Fire & Rescue
- Lincolnshire Safeguarding Childrens Board
- Public Health Directorate, Lincolnshire County Council
- HMRC - Betting & Gaming Section
- East Midlands Ambulance Service (EMAS)
- Community Alcohol Partnerships (CAP)
- Health & Safety Executive (HSE)
  
- Kurnia Licensing Consultants
- Hodgkinsons, Solicitors
- Bridge McFarland, Solicitors
- Poppleston Allen, Solicitors
- Sills & Betteridge, Solicitors
- Hough & Bolland Licensing Consultants
- Lucas Licensing Consultants
- John Gaunt, Solicitors
- Gosschalks, Solicitors
- Bridge McFarland, Solicitors
  
- Skegness Pubwatch
- Gamestec Playnation Group
  
- BACTA
- Bingo Association
- The National Association of British Bookmakers
- British Beer & Pub Association (BBPA)
- Arts Council England
- UK Hospitality (UKH)
- CAMRA
- JD Wetherspoon
- Punch Taverns

- Other Lincolnshire District Councils
  
- Don Noble Bookmakers
- Betfred
- Ladbrokes
- Coral Entertainment Group
  
- Adult Gaming Centre, Family Entertainment Centre and Bingo premises licence holders within the East Lindsey District
  
- Gambling Commission
- The Betting and Gaming Council
- European Casino Association
- Etain Group

In addition, a copy of the consultation document was placed on the Council's website between 15 July to 2 September 2024.

## Appendix 5 - Appendix Regarding Safeguarding Children

### What are the risks to children?

The risks will vary, depending on the type of gambling activities taking place at the premises. For example, at Adult Gaming Centres, Off-Course (High Street) Betting Premises or Casinos, safeguarding systems should be in place to prevent young people gaining access to the premises.

If children are permitted access to adult gambling activities, they may be at risk of being:

- exposed to information or advertisements encouraging them to gamble
- allowed, or invited to, gamble or bet in a commercial setting
- allowed to purchase and consume alcohol (casino premises)
- financially exploited.

They may also witness, or be involved in, other dangerous or threatening behaviour.

### Managing the risks

To prevent children and young people accessing adult gambling activities, stringent safeguarding measures should be in place, examples of such measures could include:

- the Challenge 25 scheme operated by all door and bar staff and only recognised proof of age accepted (for example photo driving licence or passport; PASS cards)
- all points of entry monitored by security staff/CCTV
- signage prominently displayed at all points of entry regarding the prohibition of under 18's
- signage displayed on machines highlighting age restrictions
- signage prominently displayed in bar areas regarding the law and the sale of alcohol
- operating a membership scheme
- all staff being trained to be vigilant and respond if a child gains illegal access to premises.

If a premises offers a range of gambling activities (for example, a licensed Family Entertainment Centre or Bingo Premises) premises must operate systems to ensure that under 18's are prevented from accessing areas where adult activities (such as betting or high stakes gambling) take place; or where adult gaming machines are located.

The measures set out above should be used to help the public clearly identify from which areas children are prohibited.

If a premise offers a variety of activities, it may be necessary to operate the following systems:

- designated family-friendly areas using physical barriers/ cordons to segregate these from restricted areas
- points of access/egress located for easy supervision by staff and regularly monitored
- signage displayed to indicate access rules
- signage to remind parents/adults of their responsibilities
- use of screens
- use of the Challenge 25 scheme
- assigning at least one member of staff as a 'Children's Safeguarding Lead'

Premises should ensure that the environment to which they allow children access is safe and suitable.

Action should be taken if adults demonstrate irresponsible behaviour, such as showing signs of intoxication, using strong or offensive language, threatening behaviour, or violence towards others or towards machinery.

Adults accompanying children should be encouraged to supervise them, to minimise the risk of children being exposed to inappropriate or dangerous behaviour or gaining access to prohibited areas of the premises.

### The employment of children and young people

The Gambling Act 2005 does not prohibit the employment of children and young people at some premises.

However, it does restrict the type of tasks and areas to which children and young people may have access and it is important that premises comply with these restrictions, as failure to do so may result in committing an offence; for example, it is an offence to employ children and young people to provide facilities for gambling, or to perform a function in relation to a gaming machine, at any time.

Children should not be exposed to gambling as they carry out their employment functions.

## Appendix 6 - Appendix Regarding Safeguarding Vulnerable Adults

The Gambling Commission puts a high priority on the social responsibilities operators have to protect vulnerable adults from the harm associated with gambling; and policies must be in place to support the protection of vulnerable adults.

### Who is a vulnerable adult?

Adults may be vulnerable if, for example, they are taking certain types of prescribed medication which may impair their judgement or prevent them making informed, balanced decisions about gambling; or if they are intoxicated from misusing drugs or alcohol.

If an adult has mental health issues, a mental impairment or problems with addiction, they may also be vulnerable as they may have difficulty controlling their activities or behaviour, or understanding the players' guides to games.

### What are the risks to vulnerable adults?

If vulnerable adults are not supported within the gambling environment they may be at risk of:

- gambling beyond their financial means
- problems with addiction
- financial exploitation
- causing, or being a victim of dangerous, abusive or threatening behaviour
- physical, emotional or accidental harm.

These difficulties may have a serious impact upon the person's relationships, home life or employment.

### Managing the risks and being socially responsible

Premises should consider the following steps:

- Designate a member of staff to lead on problem gambling issues.
- Train staff on how to recognise and respond to indicators of concern.
- Staff should be trained to recognise the signs of persons becoming aggressive and how to deal with such situations whilst maintaining their own safety.
- Information should be made readily/discreetly available to customers on how to gamble responsibly and seek help in respect of problem gambling.
- Offer a self-exclusion, or self limit scheme, enabling individuals to restrict the amount of time or money they spend.
- When offering membership schemes, the details of a contactable person should be required in the event of an emergency.





Gambling Act 2005

## Gambling Policy (Statement Of Principles) 2025

Licensing Team, East Lindsey District Council, The Hub,  
Mareham Road, Horncastle, Lincolnshire LN9 6PH  
T: 01507 601111 | E: [licensing@e-lindsey.gov.uk](mailto:licensing@e-lindsey.gov.uk)  
[www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)