

Licensing Committee

Wednesday 15th July at **5.00pm**

Hastings & Knepp Rooms, Parkside, Chart Way, Horsham

Councillors:

Jim Sanson (Chairman)	David Jenkins
Roger Clarke (Vice-Chairman)	Adrian Lee
John Blackall	Tim Lloyd
Karen Burgess	Paul Marshall
Peter Burgess	Christian Mitchell
Philip Circus	Connor Relleen
Roy Cornell	
Christine Costin	
Ian Howard	

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. To approve as correct the minutes of the meeting of the Committee held on 11 th June 2015 (attached)	1
3. To receive any declarations of interest from Members of the Committee – <i>any clarification on whether a Member has an interest should be sought before attending the meeting</i>	
4. To receive any announcements from the Chairman of the Committee or the Chief Executive	
5. To consider a report of the Licensing Manager on the Review of Licensing Policy (Gambling Act 2005)	
6. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances	

LICENSING COMMITTEE
11th June 2015

Present: Councillors: John Blackall, Karen Burgess, Peter Burgess, Philip Circus, Roger Clarke, Roy Cornell, Ian Howard, Tim Lloyd, Paul Marshall, Christian Mitchell, Jim Sanson

Apologies: Councillors: Christine Costin, David Jenkins, Adrian Lee, Connor Relleen

Also present: Councillors: John Bailey, Tricia Youtan

LI/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Jim Sanson be elected Chairman of the Committee for the ensuing Council year.

LI/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor Roger Clarke be appointed Vice-Chairman of the Committee for the ensuing Council year.

LI/3 **MINUTES**

The minutes of the meeting held on 6th November 2014 were approved as a correct record and signed by the Chairman.

LI/4 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LI/5 **ANNOUNCEMENTS**

A meeting of the Committee would be held at 5.00pm on 15th July 2015 to consider the draft Gambling Policy prior to public consultation.

The meeting ended at 5.45pm having commenced at 5.30pm

CHAIRMAN

Report to Licensing Committee

Date of meeting 15th July 2015

By Chris Boyle, Licensing Officer

DECISION REQUIRED

Not exempt



**Horsham
District
Council**

serving our towns and villages

Report Title: Review of Licensing Policy (Gambling Act 2005)

Executive Summary

The Gambling Act 2005 currently requires Licensing Authorities to publish at least every three years a statement of their licensing policy (gambling). Applications for licences under the Gambling Act 2005 have to be made in accordance with the Licensing Authority's Licensing Policy (Gambling) and the Regulations made under the 2005 Act. The Council's first Policy came into force on 29 December 2006 and following a statutory consultation and review the current policy came into force on 31 December 2013. The Council has now to review the existing policy with a view to having a new policy in force by 31 December 2015

The policy, which has to be approved by the full Council (as the Licensing Authority), has to be the subject of public consultation for 3 months and the comments received have to be taken into account before formally adopting the policy.

Set out at Appendix 2 to this report is the consultation draft of the Council's statement of licensing policy (gambling) to be reviewed.

Recommendations

The Committee is recommended:

- i) Approve the Licensing Policy set out at Appendix 1 to this report as a consultation policy, and
- ii) Instruct the officers to consult for a period of three months on the draft policy commencing on 01 August 2015, and
- iii) That, subject to their being no relevant representations that the Environmental Health & Licensing Manager in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Draft Gambling Policy.
- iv) Should relevant representations be received, instruct officers to bring a further report to the meeting of the Licensing Committee with the outcomes of the consultation.

Reasons for Recommendations

- i) To comply with legislative requirements, and
- ii) To ensure openness and transparency in the Council's decision making, and
- iii) To ensure that those persons affected by the policy have the opportunity to have an input into it.

Background Papers: None

Consultation: Monitoring Officer

Wards affected: All

Contact: Chris Boyle (Licensing Officer) Ext: 5578

Background Information

1 Introduction

The purpose of this report

- 1.1 The purpose of this report is to seek approval for a revised draft of the Council's Licensing Policy (Gambling) in order that it can be released for consultation by 01 August 2015. The report also sets out the process and timescale for the consultation and formal approval for the Policy by Council.

2 Statutory and Policy Background

Statutory background

- 2.1 Gambling Act 2005 (as amended)

Relevant Government policy

- 2.2 Guidance issued by the Gambling Commission which was published in September 2012 and the Cabinet Code of Practice on consultation.

Relevant Council policy

- 2.3 Licensing Policy (Gambling) amended in December 2012.

3 Details

- 3.1 Set out at Appendix 1 to this report is the Council's statement of licensing policy to be approved by the Committee for consultation purposes. The policy was first adopted on 31 December 2006 with the current policy in place since December 2013 which has served the Council well. There have been no negative comments since the policy was implemented and no changes in legislation, therefore no amendments to the policy are considered necessary.

- 3.2 Comments will be invited from a wide range of consultees including: -

- Statutory Consultees (Police, Fire, Trading Standards, Social Service)
- Members
- The Gambling Commission
- Parish and Neighbourhood Councils
- All betting shop operators in the district, and
- Trade Representative bodies

- 3.3 The Committee is recommended to approve the Draft Policy for consultation.

4 Next Steps

- 4.1 Following approval by the committee the consultation will last for 3 months with responses requested back by 31 October 2015
- 4.2 Following the period of consultation officers will analyse any responses. Should there not be any relevant representations it is recommended that the Environmental Health & Licensing Manager in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Draft Licensing Policy. Should relevant representations be received, officers will recommend amendments to the draft policy where appropriate or give reasons why suggested alterations are not made and prepare a report for the Licensing Committee with a final draft policy for committee to recommend to full Council on 09 December 2015 for adoption by the Council

5 Outcome of Consultations

- 5.1 Should there be any relevant representations resulting from the consultation process, they will be reported to the Licensing Committee.

6 Other Courses of Action Considered but Rejected

- 6.1 None

7 Staffing Consequences

- 7.1 None at this stage

8 Financial Consequences

- 8.1 None at this stage

9. Legal

- 9.1 The legal implications are contained within the body of this report.

Appendix 1

Consequences of the Proposed Action

What are the risks associated with the proposal?	This is a Statutory Requirement under the provisions of the Gambling Act 2005 and failure to comply could lead to adverse publicity and possible action against the authority instigated by the relevant Government Department.
Risk Assessment attached Yes/No	No
How will the proposal help to reduce Crime and Disorder?	One of the licensing objectives is preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
How will the proposal help to promote Human Rights?	None at this stage
What is the impact of the proposal on Equality and Diversity?	There will be no impact on different equality groups (protected characteristics) issues arising from this report
Equalities Impact Assessment attached Yes/No/Not relevant	Not relevant
How will the proposal help to promote Sustainability?	



**Horsham
District
Council**

**Horsham District Council's
Statement of Principles in
respect of the Gambling Act
2005**

DECEMBER 2015

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1 STATEMENT OF PRINCIPLES

1.1 Introduction

Horsham District Council is the Licensing Authority under the Gambling Act 2005. This Council is responsible for granting premises licences, permits and registrations in the Horsham District Council area in respect of those classes of premises set out at paragraph 1.6 below.

The Gambling Act 2005 requires the Council to prepare and publish a “Statement of Licensing Policy” that sets out the policies that the Council will generally apply when making decisions on applications made under the Act.

This “Statement of Principles” has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the duties of the Licensing Authority under the Gambling Act 2005.

The Statement of Principles will be available on the Council’s website.

The Statement of Principles first came into effect on the date of its adoption by the Council in December 2006. It was subsequently reviewed in accordance with the statutory provisions and will be reviewed as necessary, and at least every three years from the date of adoption.

1.2 Horsham District Council Area

Horsham District Council is situated in the County of West Sussex, which comprises 7 District Councils and 1 County Council. The Council area has a population of 131,300 (2011 Census) making it the third largest in the County in terms of population. In terms of area it is the second largest, covering 205 square miles. A map of the district is contained in Appendix B.

1.3 Glossary of Terms

Within this draft Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives:	As defined in section 1.4 below
Council:	Horsham District Council
District:	The area of West Sussex administered by Horsham District Council (Map appended at Appendix B)
Licences:	As defined in section 1.4 below
Applications:	Applications for licences and permits as defined in section 1.6 below
Notifications:	Means notification of temporary and occasional use notices

Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Machine Categories	Defined in Paragraph 16.29 of the Gambling Commission Guidance and set out at Appendix C for ease of reference.
Mandatory Condition:	Means a specified condition provided by Regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Horsham District Council
Responsible Authority:	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated ("Horsham District Council"); 2. The Gambling Commission; 3. Sussex Police; 4. West Sussex Fire and Rescue Service; 5. Head of Planning, Planning Department, Horsham District Council; 6. Environmental Protection Team, Horsham District Council; 7. West Sussex Children's Safeguarding Board 8. HM Customs and Excise.
Interested Party:	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</p> <ol style="list-style-type: none"> 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; c) Represents persons who satisfy a) or b) above.

1.4 Licensing Objectives

The Gambling Act 2005 requires that the Council carries out its various licensing functions having regard to the following three licensing objectives:-

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

1.5 Types of Licence

This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:-

1. Premises Licences;
2. Temporary Use Notices;
3. Permits as required under the Act;
4. Registrations as required under the Act.

1.6 Licensable Premises and Permits

This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:-

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Family Entertainment Centres;
7. Club Gaming Permits;
8. Prize Gaming and Prize Gaming Permits;
9. Temporary Use Notices;
10. Registration of small society lotteries.

1.7 General Principles

Nothing in this Statement of Principles will:-

1. Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
2. Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to consider applications in accordance the requirements of Section 153 of the Gambling Act 2005. Conditions will only be considered where they are needed to meet the requirements of the Licensing Objectives, and any conditions applied will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

All applicants for Premises Licences will be required to set out how they will comply with the Licensing Objectives, as specified in section 1.4 above, and what measures they intend to employ to ensure compliance with them.

When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the opportunity for the applicant to show how potential concerns can be overcome.

Licensing is about the control of licensed premises, temporary use notices or occasional use notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.

When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may by regulation provide for specified conditions to be attached to a premises licence as either "mandatory" or "default" conditions. In determining an application the Council may not have regard to the expected demand for the facilities which it is proposed to provide.

The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

1. Planning controls;
2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
4. The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

Objectors will be required to relate their objection to one of more of the Licensing Objectives, as specified in section 1.4 above, before the Council will be able to consider it.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

1.8 Consultees

The Statement of Licensing Policy will be subject to formal consultation with:-

1. Sussex Police and other responsible authorities, and
2. Representatives of the holders of the various licences for premises within the District who will be affected by this Policy, and
3. Persons/bodies representing the interests of persons likely to be affected by this policy.

1.9 Information exchange

In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Council will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.

Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed on the Council's website in accordance with its existing policies on the disclosure of information.

2 LEGISLATION, POLICIES AND STRATEGIES

2.1 Legislation

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003;
6. The Equality Act 2010;

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

2.2 Relationship with Planning Policies

When determining an application, the Licensing Authority cannot take into account “irrelevant matters” such as the likelihood of the applicant obtaining planning permission or building control approval.

An applicant can apply for a “provisional statement” if the building is not complete or if he does not yet have a right to occupy it. Such an application is, however, a separate and distinct process to the granting of planning permission or building control approval.

2.3 National Strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

2.4 Local Strategies and Policies

Where appropriate, the Council will consider applications with reference to other adopted local strategies and policies, including the following:-

1. The Council's Corporate Strategy;
2. The Community Safety Strategy;
3. Enforcement Policy.

2.5 Integrating Strategies

There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

The Council recognises in particular the importance of the co-ordination and integration of the Gambling Policy with other plans aimed at the management of town centres and the night-time economy.

Relevant plans and strategies include:-

- Crime and Disorder Strategy – The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the District. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences and certificates will reflect local crime prevention strategies.
- The Café Culture and Town Centre Management. As far as possible, any licensing decisions will be in line with the aspirations of this strategy.
- Equality – The Council is required under The Equality Act 2010 to give due regard to the need to eliminate unlawful discrimination, promote equality of opportunity and good relations between persons of different protected characteristics (equality groups). The impact on these issues of the Gambling Policy will be monitored and amendments will be made as necessary.
- Human Rights – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-
 - Article 6 that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 that everyone has the right to respect for his home and private and family life;
 - Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.

- Proper integration will be assured by the Licensing Authority's Licensing Committee providing reports, when appropriate, to its Planning Committee on the situation regarding licensed premises in the area, including the general impact of gambling related crime and disorder, to enable the Planning Committee to have regard to such matters when taking its decisions.
- The Council will ensure that the Licensing Committee receives reports, when appropriate, on the needs of the local economy to ensure that these are reflected in their considerations.
- Economic Strategies – The Council will ensure that the Licensing Committee is apprised of the employment situation in the area and the need for new investment and employment where appropriate.
- Enforcement Policy – All licensing enforcement will be conducted in accordance with the Enforcement Concordat and the General Environmental Health and Licensing Enforcement Policy and the Council's Licensing Enforcement Policy which will be amended to reflect the requirements of the Gambling Act and the advice of the Gambling Commission once it is published.

In order to avoid duplication with other statutory regimes, the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether to grant a licence, but only if relevant representations are received.

3 DECISION MAKING

3.1 Committee Terms of Reference

A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations in accordance with the timescales set out in any Regulations. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's Policy with regard to the determination of applications for gaming machine permits in premises licensed under the Licensing Act 2003 is that all applications for permits for 3 or more machines will be determined by a Licensing Sub Committee on their individual merits. Appendix C sets out in detail the permitted number of gaming machines by category in different types of premises.

The Council's Environmental Health and Licensing Manager will deal with all other licensing applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by the Council's Licensing Officer in consultation with the Environmental Health and Licensing Manager, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

3.2 Allocation of Decision Making Responsibilities

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.

The table set out at Appendix A 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 Full Committee if considered appropriate in the circumstances of any particular case.

3.3 Licensing Reviews

The Council will carry out a review of a Premises Licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may include issues relating to the following:-

1. Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes;
2. Use of licensed premises for the sale and distribution of illegal firearms;
3. Use of licensed premises for prostitution or the sale of unlawful pornography;
4. Use of licensed premises as a base for organised crime activity;
5. Use of licensed premises for the organisation of unlawful discriminatory activities or sexual abuse or attacks on (a) minority group(s);

6. Use of licensed premises for the sale of smuggled tobacco or goods;
7. Use of licensed premises for the sale of stolen goods;
8. Children and/or vulnerable persons being put at risk.

Due consideration will be given to all relevant representations unless they fit the following:-

- a) The grounds are frivolous;
- b) The grounds are vexatious;
- c) The grounds are irrelevant;
- d) The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- e) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

A premises licence may also be reviewed by the Licensing Authority of its own volition.

4 LOCAL STANDARDS

4.1 Applications

An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.

Applications for the grant, transfer or variation of a Premises Licence must be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives in the form of a written Operating Schedule. The applicant may ask the Council for advice as to the scope of information to be provided.

The level of detail to be provided will be advised by the Council and will be proportional to the scale and nature of the application made.

Definitions of “Responsible Authorities” and “Interested Parties” who are able to make representations under this Act can be found in the glossary of terms in section 1.3.

4.2 Assessment of Need

Unmet demand is not a criterion that will be taken into consideration when determining an application for a Premises Licence under the Gambling Act 2005.

4.3 Conditions

Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned or are required by law. The Council will draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

However, there will be a number of measures that the Licensing Authority will commonly consider utilising in order to pursue the Licensing Objectives. These may include such measures as the supervision of entrances, segregation of gambling areas from non gambling areas frequented by children. The Licensing Authority will expect applicants to offer their own suggestions as to ways in which the Licensing Objectives can be met effectively through the use of conditions.

Conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises.

4.4 Enforcement

The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.

The Council has adopted a General Enforcement Policy for Environmental Health and Licensing which reflects the Regulators' Code which proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Sub-Committee, the issue of a Formal Caution or a referral for prosecution.

The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the District for unlicensed premises.

The Council recognises that in respect of bookmaker's premises it is likely that certain bookmakers may have a number of premises within the Council's 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 authority will contact first should any compliance queries or issues arise.

The Council will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with Sussex Police, West Sussex Trading Standards Department and West Sussex Fire and Rescue Service on enforcement issues to ensure an efficient deployment of police and council officers.

4.5 Casinos

There are currently no casinos operating within the District. At its meeting on 7th June 2006 the Council agreed that with effect from 13th December 2006 its policy with regard to Casino Premises Licences was not to issue any Casino Premises Licences in respect of the District of Horsham. This remains the council's policy.

4.6 Prize Gaming Permits

Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

A prize gaming permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises.

An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises. The application must be made to the Authority in whose area the premises are wholly or partly situated. Applications for Prize Gaming Permits will be subject to formal consultation with Sussex Police.

4.7 Unlicensed Family Entertainment Centres

Where premises do not hold a Premises Licence but wish to provide gaming machines, it may apply to the licensing authority a gaming machine permit.

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the Chief Officer of Police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre; and the suitability of the premises in relation to their location and issues about crime and disorder.

In respect of premises licensed under Licensing Act 2003, premises will be automatically entitled to two Category D machines. Where premises apply for a permit for more than two machines each application will be considered on its own merits. Categories of Gaming Machines are defined in Appendix C

4.8 Licensed Family Entertainment Centres

Licensed Family Entertainment Centres (FECs) are a new category of premises introduced by the Act. Persons operating an FEC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Authority. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:

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

- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

4.9 Bingo Premises

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 premises to which children are admitted this licensing authority will 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.

4.10 Betting Premises

The Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.

The Authority is aware of its power to restrict the number of betting machines. In the event that the Authority considers whether to impose a condition on a licence it may, among other things, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

4.11 Tracks

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

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Gaming machines - ☐ Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed – 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.”

Applications and plans - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but is in

accordance with the Gambling Commission's guidance which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities and that "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."

The authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

4.12 Adult Gaming Centres

Adult gaming centres (AGCs) are a new category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Authority.

No-one under the age of 18 is permitted to enter an AGC. This Authority will have particular regard to the location of and entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

4.13 Club Gaming Permits

The Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.

The Authority will only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B, C or D. The club is permitted to choose the combination of machines on its premises. The Authority may grant or refuse a permit, but it may not attach any conditions to a permit.

4.14 Prize Gaming & Prize Gaming Permits

Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

A prize gaming permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises.

An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises. The application must be made to the Authority in whose area the premises are wholly or partly situated.

4.15 Temporary Use Notices

The Act sets out the position in relation to temporary use notices.

These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres, and sporting venues.

A temporary use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.

The Secretary of State will prescribe in regulations the gambling activities that may be specified in a temporary use notice as well as combinations of activities that may not be specified, and activities that may not be combined with any other.

4.16 Occasional Use Notices

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

4.17 Registration of Small Society Lotteries

In carrying out its functions in relation to Lotteries the Authority will have regard to the Act, the guidance issued by the Gambling Commission from time to time and any Regulations issued by the Secretary of State.

5 PREVENTION OF CRIME AND DISORDER

The Council places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. A high standard of control is therefore expected to be exercised over licensed premises.

The Council will, when determining applications, consider whether the grant or a Premises Licence will result in an increase in crime and disorder.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Sussex Police before making a formal application.

In considering licence applications, the Council will particularly take into account the following:-

1. The design and layout of the premises;
2. The training given to staff in crime prevention measures appropriate to those premises;
3. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
4. Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
5. The likelihood of any violence, public order or policing problem if the licence is granted.

6 ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the purview of the Gambling Commission.

If any matters of complaint are made to the Licensing Authority concerning gambling not being conducted in a fair and open way the Licensing Authority will refer the complaint to the Gambling Commission for investigation.

7 PROTECTION OF CHILDREN AND OTHER VULNERABLE PERSONS

7.1 Access to Licensed Premises

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

The Council will consult with the person responsible for child protection issues at West Sussex County Council on any application that indicates there may be concerns over access for children or vulnerable persons.

The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

1. Supervision of entrances;
2. Segregation of gambling areas from areas frequented by children;
3. Supervision of gaming machines in non-adult gambling specific premises.

The 2005 Act provides for a Code of Practice on access to Casino premises by children and young persons and the Council will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

7.2 Vulnerable Persons

The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means;
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

(Reference Para 5.21 Gambling Commission Guidance to Licensing Authorities)

8 COMPLAINTS AGAINST LICENSED PREMISES

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

As set out in 6 above any complaints relating to gambling not being conducted in a fair and open way will be referred to the Gambling Commission.

Due consideration will be given to all relevant representations unless they fit the exceptions in 3.3 above.

9 FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:-

The Licensing Officer
Horsham District Council
Parkside
Chart Way
HORSHAM
West Sussex
RH12 1RL

Tel: 01403 215578
Fax: 01403 215461
E-mail: licensing@horsham.gov.uk

Information is also available from:-

Gambling Commission
Berkshire House
168-173 High Holborn
London
WC1V 7AA

Tel: 020 7306 6219
Website: www.gamblingcommission.gov.uk

APPENDIX A

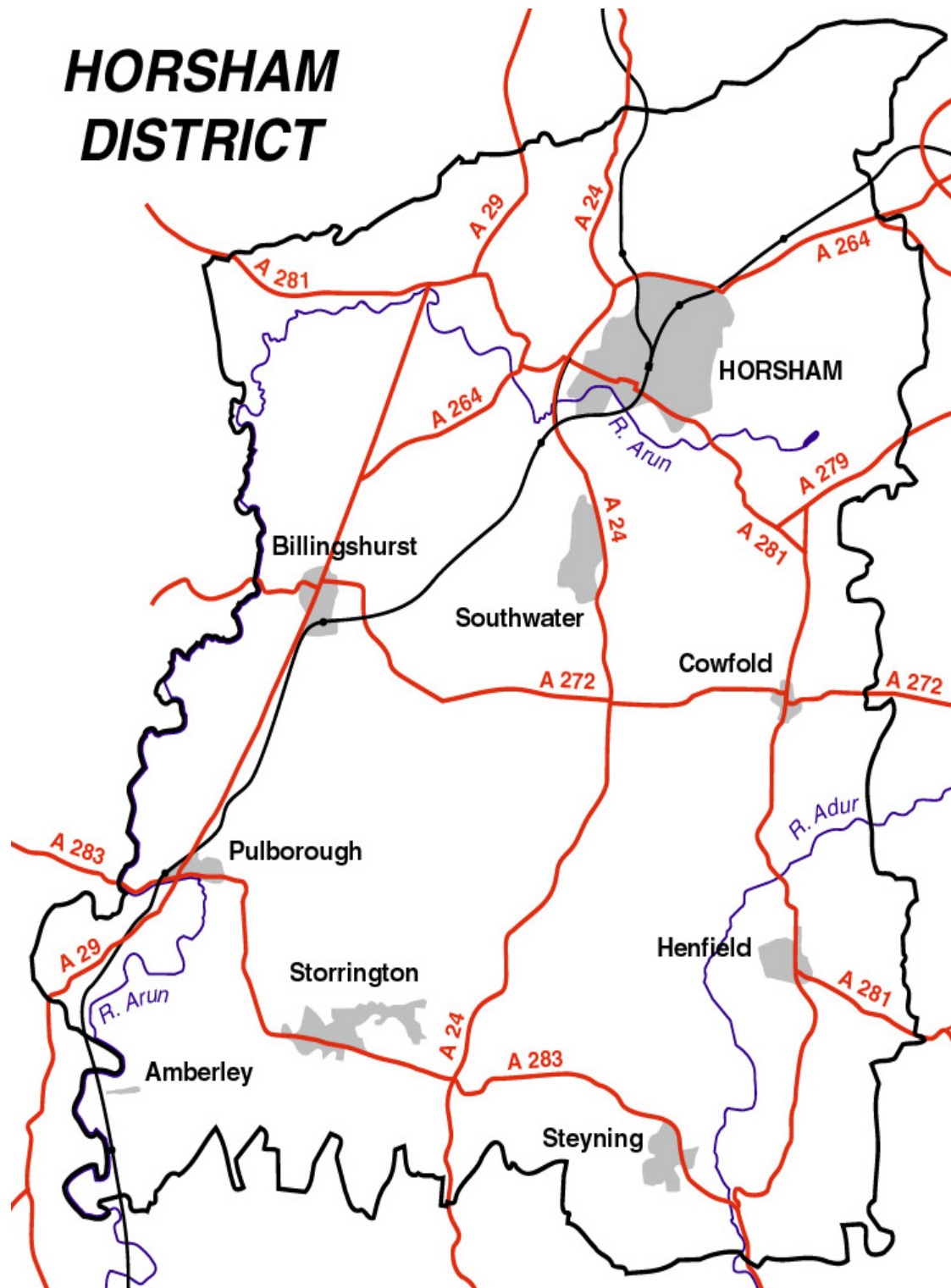
TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Cabinet Member)
Application for premises licences		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	Where no representations received from the Commission
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		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licens premises gaming machi permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Source: Gambling Commission "Guidance to Local Authorities". Dated April 2006

APPENDIX B

***HORSHAM
DISTRICT***



APPENDIX C

CATEGORIES OF GAMING MACHINES

Premises Type	MACHINE CATEGORY						
	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines. Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines. Any combination of machines in categories B to D, within a total limit of 150 (subject to table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines. Any combination of machines in categories B to D, within a total limit of 80 (subject to table ratio)					
Pre - 2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D <u>or</u> C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D				
Bingo premises				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits				Maximum of 3 machines in categories B3A to D			
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic on notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

Categories of machines are defined in Section 16.9 of the Gambling Commission "Guidance to Local Authorities". Dated April 2006.

