

**Public Document Pack  
SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Licensing Committee**

**Date: Monday, 16th August, 2021**

**Time: 10.00 am**

**Place: Council Chamber - Civic Suite**

**Contact: Tim Row - Principal Committee Officer**

**Email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)**

**A G E N D A**

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Consultation on The Council's Statement of Gambling Licensing Policy**  
(Pages 1 - 50)  
Report of Executive Director (Neighbourhoods and Environment) attached

**Chair & Members:**

Cllr A Thompson (Chair), Cllr K Mitchell (Vice-Chair), Cllr M Berry, Cllr S Buckley, Cllr T Cowdrey, Cllr A Dear, Cllr K Evans, Cllr N Folkard, Cllr D Garne, Cllr T Harp, Cllr J Lamb, Cllr A Line, Cllr D McGlone, Cllr A Moring and Cllr I Shead

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# Southend-on-Sea Borough Council

Report of the Strategic Director for Neighbourhoods and  
the Environment

To

The Licensing Committee

On

16<sup>th</sup> August 2021

Report prepared by: Adam Penn.  
Regulatory Services Manager

Agenda  
Item No.

3

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## Consultation on The Council's Statement of Gambling Licensing Policy

Cabinet Member: Councillor Martin Terry

### Part 1 (Public Agenda Item)

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#### 1. Purpose of Report

- 1.1 To update Members of the Licensing Committee on the latest position of the formal consultation process in respect of the Gambling Licensing policy.
- 1.2 To seek the Committee's view on the proposed revisions to the Gambling Licensing policy

#### 2. Recommendations

- 2.1 That the Licensing Committee recommends to the Cabinet that the Statement of Gambling Licensing Policy, set out in Appendix 1, be adopted.

#### 3. Background

- 3.1 The Council's Statement of Policy under the Act was approved by Cabinet on 6<sup>th</sup> November 2018 and came into force on 31<sup>st</sup> January 2019. It is valid for a maximum period of 3 years or until the next statutory review date, whichever is sooner. The current policy expires on 30<sup>th</sup> January 2021, and the Council, as the Licensing Authority is required to adopt a new one by 3<sup>rd</sup> January 2019
- 3.2 The Act requires that the policy is kept under constant review and amended before the statutory period ends where significant change is identified.
- 3.3 On 23<sup>rd</sup> July 2018 the Council published a draft statement of Licensing Policy. In line with best practice, a formal consultation was carried out, with the request that responses be received by 29<sup>th</sup> August 2021. The consultation exercise involved the following elements.
  - a) The despatch of an email to the holders of existing licenses and permits for Adult and Family Entertainment amusement centres the proprietors (or head office) of all betting shops, bingo halls and casinos. The same

notification procedure was operated for a range of trade association and voluntary groups, legal firms and others with known interests. This gave a brief explanation the consultation process, and gave details of the availability of the draft policy document. The proposed changes were highlighted within the draft policy.

- b) Utilising details held within the departmental records, the same approach was taken for a sample of lottery permit holders and alcohol licensed premises holding gaming machine permits.
- c) A letter or email was also sent to a range of residents associations, tenants groups and focus groups.
- d) emails were sent to key charities, interest and support groups.
- e) emails were sent to all of the Responsible Authorities under the Gambling Act, other relevant sections of the Council
- f) All Members of the Council were emailed a link to the draft policy together with details of how to comment.
- h) Inclusion of the draft policy document on the Council's website in the Consultation Section.
- i) Continuing response to enquiries, by Officers of the Licensing Team, in person or by telephone.
- j) In total around 350 letters and emails were sent out at the start of the consultation period.

3.4 The full list of consultees is appended to the Policy document

3.5 As a result of the consultation process 8 written responses have been received thus far some simply voting on if they agree with the policy or not. Details and an analysis of the responses can be found in appendix 2

3.6 The changes to the statement of policy document, (in comparison to the existing one) includes some general updates, and the following matters: -

- a) Strengthening of the protection expected to be afforded to persons who do not use English as their first language (section 14.20)
- b) Amendment to the wording of sections 21.5 and 21.6 reflecting the Government reduction of the maximum stake for B2 machines.
- c) Adding the expectation that a plan will be provided by applicants for Gaming Machine permits in alcohol licensed premises. (26.4) This will assist the Licensing Authority in determining such applications as it will highlight the proposed location of machines and allow an assessment by the Authority in regard to the protection of children and vulnerable adults.
- d) A larger list of consultees (annex A)

#### **4. Other Options**

4.1 Should the Council fail to approve a final Statement of Policy, it will be in breach of its statutory duty under Section 349 of The Gambling Act 2005 which requires the policy to be reviewed

4.2 It is not considered that another option exists.

## **5. Reasons for Recommendations**

- 5.1 To enable the Council to comply with its statutory duty under Section 349 of The Gambling Act 2005.

## **6. Corporate Implications**

- 6.1 Contribution to the Southend 2050 Road Map

The Council's ambition of 'Safe and Well' is supported by the 'licensing objectives' of the Act. The proposed Gambling Policy links with Reducing Harmful Behaviors strategy which specifically addresses Gambling issues and a member of the licensing authority sat on the panel which created that document. In addition the LA produces a Local Area Profile, for use of applicants in risk assessing the impact of their application and for use by existing licensees in their assessments.

The development of a Licensing Policy establishes how the Council will determine applications therefore supporting the 'Opportunity and Prosperity' ambition.

- 6.2 Financial Implications

The annual licence fees form part of the overall budget for the Council; however fee levels do not form part of this policy. The Act requires that fees are set at a level which covers the cost of administering the system without making a profit with a statutory maximum fee for each type of licence.

- 6.3 Legal Implications

Section 349 of the Gambling Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

- 6.4 People Implications

No people implications

- 6.5 Property Implications

No property implications

- 6.6 Consultation

Section 349 of the Gambling Act requires that all Licensing Authorities consult on a draft policy prior to approving a final policy. The list of persons to be consulted when preparing this Licensing Authority's Statement of Policy is outlined at annex A in the policy. Details of the consultation can be found in section 3.3 of this report.

## 6.7 Equalities and Diversity Implications

An equalities assessment will be carried out for this policy once consultation has closed and the final policy is drafted.

## 6.8 Risk Assessment

The main risk identified is that failure to adopt a policy which has regard to the Gambling Commission 'Guidance to Licensing Authorities', or to adopt it within the statutory period, would put the Council in breach of its statutory duty under the Act.

## 6.9 Value for Money

The annual licence fees form part of the overall budget for the Council; however fee levels do not form part of this policy. The Act requires that fees are set at a level which covers the cost of administering the system without making a profit with a statutory maximum fee for each type of licence.

## 6.10 Community Safety Implications

None

## 6.11 Environmental Impact

None

## 7. Background Papers

### 7.1 Gambling Act 2005.

### 7.2 Gambling Commission Guidance to Local Authorities, September 2015, 5<sup>th</sup> Edition. Updated September 2016

## 8. Appendices

### 8.1 **Appendix 1:** Proposed Statement of Gambling Licensing Policy.

### 8.2 **Appendix 2:** Overview and an analysis of the correspondence received in response to the consultation process



# GAMBLING LICENSING POLICY STATEMENT 2022–2025

Proposed changes highlighted in yellow

Gambling Policy Document – Adopted 3<sup>rd</sup> January 2022

## Version History

Version No:	Period to which policy applies:	Review date:
1	2007-09	2009
2	2010-12	2012
3	2013-16	2015
4	2016-19	2017
5	2017-19	2018
6	2019-22	2021
7	2022-25	2024



# SOUTHEND-ON-SEA BOROUGH COUNCIL GAMBLING LICENSING POLICY STATEMENT

<u>Section</u>	<u>Contents</u>	<u>Page No</u>
<b><u>PART A</u></b>		
1.0	Introduction	4
2.0	The Licensing Objectives	4
3.0	Description of the District	4
4.0	Responsibilities under the Act	4
5.0	Statement of Licensing Policy	5
6.0	Consultation	5
7.0	Approval of Policy	6
8.0	Declaration	6
9.0	Responsible Authorities	6
10.0	Interested Parties	7
11.0	Exchange of Information	8
12.0	Public Register	8
13.0	Compliance and Enforcement	8

## **PART B - PREMISES LICENCES**

14.0	General Principles	9
15.0	Provisional Statements	14
16.0	Reviews	14
17.0	Adult Gaming Centres	14
18.0	(Licensed) Family Entertainment Centres	15
19.0	Casinos	15
20.0	Bingo Premises	15
21.0	Betting Premises	15
22.0	Tracks	16
23.0	Travelling Fairs	17

## **PART C - PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS**

24.0	General	17
25.0	Unlicensed Family Entertainment Centre Gaming Permits	17
26.0	(Alcohol)Licensed Premises Gaming Machine Permits	18
27.0	Prize Gaming Permits	18
28.0	Club Gaming and Club Machine Permits	19
29.0	Temporary Use Notices	19
30.0	Occasional Use Notices	19
31.0	Small Society Lotteries	20

## **ANNEXES**

<u>Contents</u>	<u>Page No</u>
Annex 'A' - List of Consultees	21
Annex 'B' - List of Responsible Authorities	23
Annex 'C' - Definitions	25
Annex 'D' - Map of the Area	32
Annex 'E' – Local Area Risk Assessment template	33

# PART A

## 1.0 INTRODUCTION

1.1 This Statement of Licensing Policy sets out the principles by which Southend-on-Sea Borough Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), intends to apply in discharging its functions to licence premises for gambling under the Act as well as:-

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

## 2.0 THE LICENSING OBJECTIVES

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

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

## 3.0 DESCRIPTION OF THE DISTRICT

3.1 The County of Essex comprises 12 District and 2 Unitary Authorities. Southend-on-Sea Borough Council is one of those Unitary Authorities. The number of premises licensed under the Act saw steady growth when the legislation came into force but started to stagnate in 2012 and decreased in 2013 and 2014. There has been little change since then although in 2016 there was some small growth in the Adult Gaming Centre sector. **There was a decline in betting shop numbers in 2020, thought to be as a result of the maximum stake reduction on B2 machines.** A map of the area is attached to this Policy document at Annex 'D'

## 4.0 RESPONSIBILITIES UNDER THE ACT

4.1 The Act introduced a licensing regime for gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.

4.2 Southend-on-Sea Borough Council is the Licensing Authority for the area shown on the attached map, whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003.

**4.3** The Gambling Commission is responsible for issuing Operating and Personal Licences to persons and organisations who:-

- operate a casino;
- provide facilities for playing bingo or for pool betting;
- provide betting or act as intermediaries for betting.
- make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
- manufacture, supply, install, adapt, maintain or repair gaming machines;
- manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

**4.4** The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are included, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. The Licensing Authority has additional responsibility for the registration of certain types of exempt Small Society Lotteries.

**4.5** The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as it thinks it :-

- a) in accordance with any relevant Code of Practice under Section 24 of the Act;
- b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
- c) reasonably consistent with the Licensing Objectives (Subject to paragraphs a) and b))and
- d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c)).

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

## **5.0 STATEMENT OF LICENSING POLICY**

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

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

**5.3.** This Policy takes effect on **31<sup>st</sup> January 2022** and replaces the policy previously in force.

## **6.0 CONSULTATION**

**6.1** In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to

consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Annex 'A'.

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

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

**6.3** The other groups and people consulted included:-

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

**6.4** Consultation took place between xxx July and xxx 2021

## **7.0 APPROVAL OF POLICY**

**7.1** This Policy was approved at a meeting of the full Council on xxx 2021 and was published via its website shortly afterwards. Copies are available on request.

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

## **8.0 DECLARATION**

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

**8.2** The Council recognises its responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Councils "Comprehensive Equality Policy".

## **9.0 RESPONSIBLE AUTHORITIES**

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

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

- the competency of the body to advise the Licensing Authority;
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons rather than any particular interest group etc.

**9.3** In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates Southend-on-Sea Borough Council's Department of Safeguarding for Children.

## **10.0 INTERESTED PARTIES**

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

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

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

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

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

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

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

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

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- The catchment area of the premises (i.e. how far people travel to visit); and
- Whether the person making the representation has business interests in that catchment area that might be affected.

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

- It is not frivolous or vexatious.

- It raises issues that relate to Guidance issued by the Gambling Commission.
- It raises issues that relate to this policy.
- It relates to the Licensing Objectives.

## **11.0 EXCHANGE OF INFORMATION**

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

- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
- the Guidance issued by the Gambling Commission;
- relevant Legislation and Regulations

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

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

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

## **12.0 PUBLIC REGISTER**

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

## **13.0 COMPLIANCE AND ENFORCEMENT**

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

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

- 13.2** The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme. All enforcement action is taken having regard to the Regulatory Services Enforcement policy.
- 13.3** The main enforcement and compliance role of the Licensing Authority in terms of the Act, is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission is the enforcement body for Operating and Personal Licences. Concerns about the manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 13.4** The Licensing Authority will keep itself informed of developments as regard to the Department for Business, Energy & Industrial Strategy in its consideration of the regulatory functions of Local Authorities, and will have regard to best practice.
- 13.5** Where appropriate, complaints will be investigated in accordance with the stepped approach outlined in the Regulatory Services Enforcement Policy. A copy of this document is available on the Council website. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.
- 13.6** As part of its ongoing inspection regime, The Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. Where operators carry out their own test purchasing, and The Licensing Authority is unable to obtain the results from the Primary Authority, we would expect this information to be provided by the operator when requested. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.
- 13.7** Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- Ladbrokes/Corals - Milton Keynes
  - Paddy Power - Reading
  - William Hill - City of Westminster

## **PART B PREMISES LICENCES**

### **14.0 GENERAL PRINCIPLES**

- 14.1** Premises Licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is thought appropriate.
- 14.2** In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
- casino premises
  - bingo premises
  - betting premises, including tracks and premises used by betting intermediaries
  - adult gaming centre premises (for category B3, B4, C and D machines)

- family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).

**14.3** Each case will be decided on its merits, and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing Objective concerns can be overcome.

**14.4** The Licensing Authority is required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks it:-

- a) in accordance with any relevant Code of Practice under Section 24 of the Act;
- b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
- c) reasonably consistent with the Licensing Objectives (Subject to paragraphs a) and b))and
- d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c)).

**14.5 Definition of Premises**

In the Act 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard for the Gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

**14.6 Demand**

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

**14.7 Location**

Location will only be a material consideration in the context of the Licensing Objectives.

**14.8** The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

**14.9** In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6<sup>th</sup> April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, that licensees assess the local risks to the licensing objectives posed by the 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.

**14.10** The LCCP also states that licensees must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstance, including those identified in this policy;



- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c) when applying for a variation of a premises licence; and
- d) in any case, undertake a local risk assessment when applying for a new premises licence.

**14.11** The Licensing Authority expects the local risk assessment to consider as a minimum:

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

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

**14.13** 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 betting machines.

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

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

**14.15** 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.

**14.16 Local Area Profile**

Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Licensing Authority has published a local area profile (LAP). The LAP is published as a separate document to this policy and does not form part of it. The LAP may be reviewed by the Licensing Authority at any time. Such a review would not constitute a

review of this policy. On reviewing the LAP the licensing authority will work with other parties, including Public Health, to gather appropriate information.

**14.17** The LAP should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the LAP and assessment, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations. The LAP should not be taken as the definitive overview of a particular area and applicants are encouraged to use their own local knowledge in addition to the content of the LAP to inform their local risk assessments.

**14.18** The Licensing Authority recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However, an applicant who decides to disregard the LAP should be alert to the risk that they may face additional representations and the expense of a hearing as a result. A template of a suggested local risk assessment form for is included at **Annex D**. Applicants and licence holders may use this template or create their own.

#### **14.19 Duplication with other Regulatory Regimes**

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

#### **14.20 The Licensing Objectives**

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

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

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

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

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

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

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. However, the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

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

In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to

make informed or balanced decisions about gambling due to a mental impairment, or substance misuse of alcohol or drugs.

The Licensing Authority will consider very carefully whether applications for Premises Licences in respect of gambling premises located close to schools, centres for gambling addicts, or residential areas where there may be a high concentration of families with children, should be granted, and will fully scrutinise the control measures outlined in an operator's local area risk assessment in this regard.

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

Where an area has a high proportion of people who do not have English as their first language, The Licensing Authority will expect this to be reflected in the local area risk assessment. The provision of gamble awareness literature in languages other than English should be considered.

#### **14.21 Conditions & Plans**

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

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

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

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

- Proof of age schemes;
- Closed Circuit Television;
- Door Supervisors;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entrances;
- Notices and signage;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare;

#### **14.22** It is recognised that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);

- conditions in relation to stakes, fees, and the winning of prizes.

#### **14.23 Credit**

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

#### **14.24 Betting Machines [See Annex C for definition]**

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

**14.25** When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:-

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

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

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

- The extent of the proposed licensed area
- All entry and exit points (including fire exits)
- CCTV camera positions
- Positions of betting terminals, high pay out machines (including fixed odds betting terminals) and ATM's
- Any fixed or permanent structures including counters
- Privacy screens (see also section 21 of this policy)
- All unlicensed areas under the control of the licensee including any 'sterile area's' and toilet and kitchen facilities be they for staff or public use.

### **15.0 PROVISIONAL STATEMENTS**

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

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

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

### **16.0 REVIEWS**

**16.1** Applications for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.

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

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

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

## **17.0 ADULT GAMING CENTRES**

**17.1** An Adult Gaming Centre is defined in Annex 'C'. Entry to these premises is age restricted.

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

## **18.0 LICENSED FAMILY ENTERTAINMENT CENTRES**

**18.1** A Licensed Family Entertainment Centre is defined in Annex 'C'. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

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

## **19.0 CASINOS**

**19.1** A casino is defined in Annex 'C'. Entry to these premises is age restricted

**19.2** The Licensing Authority is empowered to pass a resolution not to issue new licences for casinos in its area. No such resolution has been made.

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

### **19.4 Betting Machines**

Conditions may be imposed, in accordance with paragraphs 14.24, 14.25 and 14.26 ~~14.13~~, above.

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

### **19.6 Credit**

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

## **20.0 BINGO PREMISES**

- 20.1** Bingo is defined in Annex 'C'. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 20.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 20.3 Credit**  
Credit facilities are prohibited in premises licensed for Bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.
- 21.0 BETTING PREMISES**
- 21.1** Betting is defined in Annex 'C'. Entry to these premises is age restricted.
- 21.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 21.3 Betting Machines**  
Conditions may be imposed, in accordance with paragraphs 14.24, 14.25 and 14.26 above.
- 21.4** In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.
- 21.5 ~~Fixed Odds Betting Terminals (FOBT's)~~ B2 & B3 Machines**  
In respect to nationally expressed concerns that exist in relation to the potentially adverse impact of B2 (often called Fixed Odds Betting Terminals or FOBT's) and B3 machines may have on vulnerable groups of adults, The Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.
- 21.6** The Licensing Authority expects ~~FOBT's~~ B2 & B3 machines to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially code 9.11.1. Where an existing licensee adds 'privacy screens' a variation application will be required
- 22.0 TRACKS**
- 22.1** A Track is defined in Annex 'C'. Entry to these premises may be age restricted. Please refer to the Gambling Commission Guidance.
- 22.2** The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 22.3 Betting Machines**  
Conditions may be imposed, in accordance with paragraphs 14.24, 14.25 and 14.26 above.
- 22.4** In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act

## **23.0 TRAVELLING FAIRS**

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

# **PART C PERMITS**

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

## **25.0 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

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

- 25.2** The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority. Full details can be found in section 14.27

- 25.3** The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

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

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

## **26.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

- 26.1** There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D via a notification to the Licensing Authority.
- 26.2** Gaming machines can only be located on licensed premises that have a bar for serving customers.
- 26.3** Premises restricted to selling alcohol only with food, will not be able to have gaming machines or apply for a Permit.
- 26.4** Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-
- Adult machines being in sight of the bar;
  - Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
  - Appropriate notices and signage; and
  - As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/help line numbers for organisations such as GamCare.
  - Relevant codes of practice issued by the Gambling Commission

To enable The Licensing Authority to come to an appropriate decision, applicants are expected to submit a plan show the proposed positioning of machines with their application

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

## **27.0 PRIZE GAMING PERMITS[See Annex C for definition]**

- 27.1** The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-
- A basic Disclosure & Barring Service check or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
  - Proof of age schemes
  - How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
  - Training covering how staff would deal with:-
    - unsupervised, very young children being on the premises,
    - children causing perceived problems on/around the premises, and
    - suspected truant children

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



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

## **28.0 CLUB GAMING AND CLUB MACHINE PERMITS**

**28.1** Members' Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

**28.2** Commercial clubs may apply for a club machine permit, subject to restrictions

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

(a) in respect of gaming machines:

no child or young person may use a category B or C machine on the premises

that the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.

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

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

## **PART D OCCASIONAL AND TEMPORARY PERMISSIONS**

### **29.0 TEMPORARY USE NOTICES (TUN)**

**29.1** A 'TUN' is defined in Annex 'C'.

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

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

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

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

### **30.0 OCCASIONAL USE NOTICES**

- 30.1** Occasional Use Notices (OUN) are defined in Annex 'C'.
- 30.2** The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 30.3** The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

**31.0 SMALL SOCIETY LOTTERIES**

- 31.1** The definition of a Small Society Lottery is contained in Annex 'C' and these require registration with the Licensing Authority.

**32.0 APPENDICES**

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

**33.0 DELEGATION OF POWERS**

- 33.1** The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act.

**34.0 DEFINITIONS – Annex 'C'**

**35.0 FEES – Annex 'F'**

**36.0 USEFUL CONTACTS**

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

## ANNEX 'A'

### List of Consultees

The draft policy was placed on the Council Website and in accordance with the Act the following organisations and individuals were consulted as part of the formal consultation exercise on the Statement of Gambling Licensing Policy.

- All responsible Authorities for the Gambling Act (as specified in Annexe 2).
- Holders of Premises Licences and Permits under the Gambling Act 2005
- Gamblers Anonymous,
- The Licensing Committee
- Public Health
- Licensees of alcohol licensed premises who have given notification of the use of gaming machines
- A sample of organisations who had previously sought registration for the purposes of local lotteries;
- Religious groups
- Educational establishments including local secondary schools, colleges of further education and Essex University.
- Trade Associations including Business in Sport and Leisure, BACTA, the Casino Operators Association, the Bingo Association, the Association of British Bookmakers Ltd., the British Casino Association, Southend Seafront Illumination and Business Association Ltd (SSIBA).
- Voluntary and support groups including Gamblers Anonymous, GamCare, Responsibility in Gambling Trust, Age Concern, Southend Mencap, Housing and Money Advice Service (Southend-on-Sea Borough Council), Youth and Connexions (Southend-on-Sea Borough Council), Womens Aid Federation of England, The Samaritans, Citizens Advice Bureau, Southend District Mental Health Association, Southend Association of Voluntary Services, South Essex Victims Support, NSPCC.
- Other relevant authorities and organisations including Southend Transport Police, Regulatory Services (Southend-on-Sea Borough Council), Trading Standards (Southend-on-Sea Borough Council), Southend Primary Care Trust, Youth Offending Service.
- Leigh-on-Sea Town Council;
- Leigh Society;
- The Milton Conservation Society.

- Licensing Consultants and Legal Advisers in private practice
- Pubwatch
- Southend Community Safety Partnership
- Southend Ethnic Minority Forum,
- Chinese Association Centre,
- Essex Bangladeshi Welfare Association,
- Residents and Tenants Associations.

In addition to those specifically consulted, no requests were received for copies of the draft Policy Document.

~~(note the consultation list is deliberately light as this policy was previously reviewed in 2017. Accordingly there are a few changes. The Act prescribes a statutory three yearly review and this version is in compliance with that requirement.)~~

In addition to those specifically consulted, no requests were received for copies of the draft Policy Document, although the web page where it was located received ??? 'hits'

## ANNEX 'B'

### Contact Details for the Licensing Authority and Responsible Authorities

#### The Licensing Authority is:

The Licensing Authority  
Public Protection Division (Floor 13)  
Southend-on-Sea Borough Council  
Civic Centre  
Victoria Avenue  
Southend-on-Sea, SS2 6ZG

Telephone: 01702 215005

Email: [licact2003@southend.gov.uk](mailto:licact2003@southend.gov.uk)

#### The Responsible Authorities are:

- a) The Chief Officer of Police  
Essex Police  
Licensing Department (Alcohol & Gambling)  
Blythes Meadow  
Braintree  
CM7 3DJ

Telephone: 101 ext 452035

E:mail [licensing.applications@essex.pnn.police.uk](mailto:licensing.applications@essex.pnn.police.uk)

Guidance from Essex Police on their expectations for licence applications can be found on their website at: [www.essex.police.uk/licensing](http://www.essex.police.uk/licensing)

- b) The Fire and Rescue Authority  
Essex County Fire and Rescue Service  
Southend Service Delivery Point  
Sutton Road (Rear of Fire Station)  
Southend-on-Sea, SS2 5PX

Telephone 01376 576740

- c) The Local Planning Authority  
The Development Control Section  
Southend-on-Sea Borough Council  
Civic Centre  
Victoria Avenue  
Southend-on-Sea. SS2 6ZG

Telephone: 01702 215327

- d) The Local Authority with functions related to prevention of risk of pollution of the environment:-

The Environmental Protection Team  
Public Protection Division (Floor 13)  
Southend-on-Sea Borough Council  
Civic Centre, Victoria Avenue  
Southend-on-Sea SS2 6ZG

Telephone: 01702 215005

Email: [environmentalprotection@southend.gov.uk](mailto:environmentalprotection@southend.gov.uk)

- e) The body designated by the Licensing Authority as being competent to advise on the Authority about protection of children from harm.

The Department of Safeguarding for Children.

(Child Protection Advisor)

Southend-on-Sea Borough Council

Civic Centre, Victoria Avenue

Southend-on-Sea SS2 6ZG

Telephone: 01702 534417

Email: [safeguardingforchildren@southend.gov.uk](mailto:safeguardingforchildren@southend.gov.uk)

- f) The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Telephone: 0121 230 6500

- g) HM Revenue and Customs  
Excise Processing Teams  
BX9 1GL

Telephone: 03000 516023

Email: [NRUBetting&Gaming@HMRC.gsi.gov.uk](mailto:NRUBetting&Gaming@HMRC.gsi.gov.uk)

- h) In relation to vessels only, the Navigation Authority having functions in relation to any place where the vessel is or is likely to be while activities are carried on in reliance on a premises licence. For this purpose, correspondence should be sent to:

Surveyor-in-Charge

Maritime & Coast Guard Agency

Marine Office

Central Court

1B Knoll Rise

Orpington, BR6 0JA

Telephone: 01689 890400

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

## ANNEX 'C'

### DEFINITIONS

**Please note, definitions listed below are for guidance only and do not form part of the Council's Statement of Licensing Policy or will necessarily appear within it.**

Term	Description
ATM	Auto teller machine or cash machine.
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting	In this Act "betting" means making or accepting a bet on— (a) the outcome of a race, competition or other event or process, (b) the likelihood of anything occurring or not occurring, or (c) whether anything is or is not true.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	Bingo is not given a statutory definition in the Act other than that it means any version of the game irrespective of by what name it is described. It is to have its ordinary and natural meaning. Two types of bingo are commonly understood: <ul style="list-style-type: none"><li>• cash bingo, where the stakes paid make up the cash prizes that are won</li><li>• prize bingo, where various forms of prizes are won, not directly related to the stakes paid.</li></ul>
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.]
Conditions	Conditions to be attached to licences by way of:-

	<ul style="list-style-type: none"> <li>❑ Automatic provision</li> <li>❑ Regulations provided by Secretary of State</li> <li>❑ Conditions provided by Gambling Commission</li> <li>❑ Conditions provided by Licensing Authority</li> </ul> <p>Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.</p>
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default Conditions	Conditions, prescribed in regulations, that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <li>• Small Society Lottery [required to register with Licensing Authorities.</li> <li>• Incidental Non Commercial Lotteries.</li> <li>• Private Lotteries.</li> <li>• Customer Lotteries.</li> </ul>
Family Entertainment Centre (FEC)	<p>There are two types of FEC:-</p> <p>A licensed FEC (ie one with a Premises Licence) has no limit on the number of category C or D machines permitted</p> <p>An unlicensed FEC (ie one with a Permit) has no limit on the number of category D machines permitted</p>



Fixed Odds Betting Terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. (Betting Shops) FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming & game of chance	In the Act "gaming" means playing a game of chance for a prize. and "game of chance"— (a) includes— (i) a game that involves both an element of chance and an element of skill, (ii) a game that involves an element of chance that can be eliminated by superlative skill, and (iii) a game that is presented as involving an element of chance, but (b) does not include a sport
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events, but not including home computers even though users can access online gambling websites.
Guidance to Licensing Authorities	Guidance issued periodically by the Gambling Commission
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Members' Club	A club, as defined by the Licensing Act 2003, that must:- <ul style="list-style-type: none"> <li>□ Have at least 25 members;</li> <li>□ Be established and conducted 'wholly or mainly' for purposes other than gaming;</li> <li>□ Be permanent in nature;</li> <li>□ Not be established to make commercial profit;</li> <li>□ Be controlled by its members equally.</li> </ul>
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.

Non-money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.
Occasional Use Notice (OUN)	Betting may be permitted on a 'track' by an OUN without the need for a full Premises Licence.
Odds	The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in a self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting – Tracks	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the

	Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Private Lotteries	<p>There are three types of Private Lotteries:</p> <ul style="list-style-type: none"> <li>❑ Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society;</li> <li>❑ Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises;</li> <li>❑ Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.</li> </ul>
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-</p> <ul style="list-style-type: none"> <li>❑ The Licensing Authority in whose area the premises is partly or wholly situated</li> <li>❑ The Gambling Commission</li> <li>❑ The Chief Officer of Police</li> <li>❑ Fire and Rescue Service</li> <li>❑ The Planning Authority for the local authority area</li> <li>❑ Environmental Health Service for the local authority area</li> </ul>

	<ul style="list-style-type: none"> <li>❑ The Body competent to advise on the protection of children from harm</li> <li>❑ HM Revenue and Customs</li> <li>❑ Authority in relation to vulnerable adults</li> <li>❑ Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency</li> </ul> <p>Full details of Responsible Authorities for the Borough are contained in Appendix 'B' to this Policy.</p>
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Small Society Lottery	A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society, or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house (where the house could be a gaming machine).
Table gaming	Card games played in casinos.
Temporary Use Notice (TUN)	To allow the use of a premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Tote [or Totalisator]	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Vehicles	Defined as trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	

	<p>No set definition, but likely to mean group to include people who:-</p> <ul style="list-style-type: none"> <li>□ gamble more than they want to</li> <li>□ gamble beyond their means</li> </ul> <p>who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs</p>
<p>Young Person</p>	<p>An individual who is not a child but who is less than 18 years old.</p>

**ANNEX 'D'**



**ANNEX 'E'**

**Local Area Risk Assessment Example Template**

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

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



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

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

Signed:		Date:	
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Print Name:	
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Notes: In addition to the requirement for existing licence holders to have a local area risk assessment, this risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises. see section 14 of this policy)

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

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

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

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

## **ANNEX 'F'**

Non statutory fees are reviewed by the Licensing Authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Details of current fees can be obtained by contacting

The Licensing Authority  
Public Protection Division (Floor 13)  
Department for Place  
Southend-on-Sea Borough Council  
Civic Centre  
Victoria Avenue  
Southend-on-Sea  
Essex SS2 6ZG                      Telephone: 01702 215005

Email: [licact2003@southend.gov.uk](mailto:licact2003@southend.gov.uk)

or alternatively by viewing the Council's Website [www.southend.gov.uk](http://www.southend.gov.uk)

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**Gambling Act Draft Licensing Policy Consultation**

A six week consultation was launched (with responses to be submitted by 29<sup>th</sup> August 2021), which consisted of letters and emails to local businesses and residents who have requested to be informed of our consultations. A webpage containing a link to the Draft Gambling Act Licencing Policy document, including the Licensing Conditions was publicised and a media release was issued on 23<sup>rd</sup> July 2021.

Approximately 350 letters and emails were sent out to giving direct notification to local residents and businesses and the information was forwarded to the Southend Business District, which includes a number of business in and around the Town Centre. Relevant bodies enforcing the Act and supporting vulnerable groups were also consulted, as were all those specifically required by the Gambling Act 2005 (the Act)

**The results to date:-**

A total of 8 respondents have responded to the consultation, no actual questions were set as we wanted responses and opinions on the content within the draft policy. Respondents were also given the opportunity to say if they agreed with the policy. So far the vote is yes -4, no -3 Below are the comments received in full.

43

Comments	
Resident	Licensing Authority (LA) Response
<p>Should be looked at as part of the Poverty prevention strategy. Gambling is a route to poverty. It is far too easy for people to become addicted to gambling and become in debt. The only person to ‘win’ at slot machines is the person who owns the machine.</p>	<p>The purpose of the Statement of Licensing Policy is to set out the principles by which Southend-on-Sea Borough Council, as the Licensing Authority under the Gambling Act 2005 intends to apply in discharging its functions to licence premises for gambling under the Act. Section 153(1) of the Act states “In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it—                      (a)in accordance with any relevant code of practice under section 24,</p>

Far too many slot machines are used as a cover for criminal activities eg money laundering. Many slot machine arcade owners have to 'pay' protection money to criminals unless of course its criminals that own the arcade! Quite frankly there is already enough ways to lose ones rent money in Southend with out more being added to the list

(b)in accordance with any relevant guidance issued by the Commission under section 25,

(c)reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and

(d)in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c))."

While the act sets out the protection of the vulnerable as an objective and this will be taken into account when judging an application in accordance with Section 153(c), the correct policy to address problem gambling would be Public Health's (PH) Reducing Harmful Behaviors strategy. This policy specifically addresses Gambling issues and a member of the licensing authority sat on the panel which created that document. In addition the LA produces a Local Area Profile for use of applicants in risk assessing the impact of their application and for use by existing licensees in their assessments. Included within this is PH data on deprivation.

Essex Police are a designated 'Responsible Authority' under the Act. This gives them the power to review a licence where there is evidence that it is linked with criminal activity

Outcome – No Change

Resident	Licensing Authority (LA) Response
<p>We already have three casinos around the Southend seafront area. so i do not want anymore built or commissioned.</p> <p>Along the pier area we have slot machines so this is plenty. There are also betting shops darted around the various high streets. I do not want anymore gambling set up within the borough.</p>	<p>There are 4 casino licences, one is 'dormant'. In order for more to be built, a change to the Act would be required. The LA have no power to allow more than the current limit of 4</p> <p>Section 153 of the Act is specific in stating that 'need' cannot be taken into account when deciding an application. In 2015 the Government moved betting and payday loan shops out of the A2 planning class and into the 'sui generis' class. This means that planning permission is now required before a building can change to either of these uses; thus local authority controls on number of premises will be via the planning regime rather than the licensing one. The LA has no power to cap the number of arcade or betting premises.</p> <p>Outcome – No Change</p>
Resident	Licensing Authority (LA) Response
<p>Disagree with language literature statement; only English should be used.</p> <p>'Bricks &amp; Mortar' gambling establishments within Southend should be: . limited to a specific number, i.e., no more than five (5) different venues with</p>	<p>The LA believes that making such literature available in languages other than English may assist readers in making reasoned decisions about gambling by way of having a better understanding. A study by GambleAware in 2020 found that minority ethnic groups are usually the ones who are disproportionately affected by gambling-related harm. The 'statement' accords with the licensing objective of 'Protecting the Vulnerable'.</p> <p>Section 153 of the Act is specific in stating that 'need' cannot be taken into account when deciding an application. In 2015</p>

<p>final permission granted only by the Council; . restricted to a specific vicinity/area - for oversight and the containment of gambling Rationale: Public access to online gambling is already exceedingly prevalent; making 'Bricks &amp; Mortar' gambling establishments less relevant</p>	<p>the Government moved betting and payday loan shops out of the A2 planning class and into the 'sui generis' class. This means that planning permission is now required before a building can change to either of these uses; thus local authority controls on number of premises will be via the planning regime rather than the licensing one. The LA has no power to cap the number of arcade or betting premises.</p> <p>Online Gambling is regulated by The Gambling Commission. We have seen a reduction in the number of betting shops since the last policy was published.</p> <p>Outcome – No Change</p>
<p><b>GambleAware - Charity</b></p> <p>Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.</p> <p>Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.</p> <p>GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:</p>	<p><b>Licensing Authority (LA) Response</b></p> <p>The maps will be incorporated into the local area profile document</p> <p>The LA is aware of and uses these publications</p>



<p><a href="https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach">https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach</a><a href="https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales">https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales</a></p> <p>GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.</p> <p>Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also <a href="http://www.begambleaware.org">www.begambleaware.org</a>. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.</p>	<p>Signposting would come via support agencies rather than the policy itself</p> <p>Outcome – no change to policy, but an update to the Local Area Profile.</p>
<p><b>Member of Southend Council</b></p>	<p><b>Licensing Authority (LA) Response</b></p>
<p>I wondered if the two points below are contradictory with the first suggesting one other prominent first language, whereas point two (that was highlighted as new) states other language(s). I think in a multi cultural area it would be reasonable to expect more than one other language to be covered but I am</p>	<p>This point is accepted and the two sections will be combined in to one clearer section to read as follows:</p> <p>“14.13 - Where an area has a high proportion of people who do not have English as their first language, The Licensing</p>

unsure if there is discretion on the part of the operator on which languages to include?

14.13 - 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  
14.20 - Where an area has a high proportion of people who do not have English as their first language, The Licensing Authority will expect this to be reflected in the local area risk assessment. The provision of gamble awareness literature in languages other than English should be considered.

With regard to unlicensed family entertainment centres I wondered if there was an identified age under which 'very young children' are considered, to reduce ambiguity or interpretation associated within the context of

25.3 Training covering how staff would deal with:-  unsupervised, very young children being on the premises,  children causing perceived problems on/around the premises, or  suspected truant children

Also I wondered if there is any requirement in this context to have notices up for the public about who to contact if you are worried about the welfare of a child?

Authority will expect this to be reflected in the local area risk assessment. The provision of signage and documents relating to games rules, gambling care providers and other relevant information being provided in both English and the other prominent first language(s) for that locality should be considered"

In regard to section 25.3 The LA are not empowered to make rules or add conditions to UFEC premises and therefore can only give guidance and list expectations which in turn will unfortunately allow for ambiguity. There is no definition in Gambling law of 'very young children'. Therefore to remove any doubt a change of the term to 'Children' by removing 'very young' will be made.

This section will be reworded as follows:

"25.3 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic Disclosure & Barring Service check or equivalent criminal record check for the applicant and the person(s) having the day to day control of the premises;
- Proof of age schemes;
- Displaying details of contact numbers advising the public of agencies to whom can report concerns in respect to children;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
  
- Training covering how staff would deal with:-
  - Unsupervised children being on the premises,
  - children causing perceived problems on/around the premises, or
  - suspected truant children

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

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