

# Licensing Committee (Licensing Act 2003 Functions)

Date: 24 June 2021

Time: 4.00pm or at the conclusion of the preceding Non-Licensing  
Act Committee Meeting

Venue Council Chamber, Hove Town Hall and Hybrid

Members: **Councillors:** Deane (Chair), Davis (Deputy Chair), Heley, Henry  
(Opposition Spokesperson), Simson (Group Spokesperson),  
Atkinson, Bagaeen, Ebel, Knight, Lewry, Moonan, Phillips,  
O'Quinn, Rainey and C Theobald

Contact: **Penny Jennings**  
Democratic Services Officer  
01273 291065  
penny.jennings@brighton-hove.gov.uk

# AGENDA

## 1 PROCEDURAL BUSINESS

**(a) Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

**(b) Declarations of Interest:**

- (a) Disclosable pecuniary interests
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

**(c) Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

***NOTE:** Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

## 2 MINUTES OF THE PREVIOUS MEETING

7 - 10

Minutes of the meeting of 4 March 2021 (copy attached)

## 3 CHAIR'S COMMUNICATIONS

## 4 CALLOVER

(a) Items (5 – 11) will be read out at the meeting and Members invited to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

## 5 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on 18 June 2021;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on 18 June 2021.

## 6 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

## 7 ANNUAL REPORT OF THE LICENSING AUTHORITY

11 - 24

Report of the Executive Director, Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: *Jim Whitelegg*

Tel: 01273 292438

*Ward Affected: All Wards*

## 8 GAMBLING POLICY 2019-2021 REVIEW

25 - 78

Report of the Executive Director, Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: *Jim Whitelegg*

Tel: 01273 292438

*Ward Affected: All Wards*

## 9 FUTURE LICENSING PANEL HEARING ARRANGEMENTS

79 - 82

Report of the Executive Lead, Strategy, Governance and Law (copy attached)

Contact Officer: *Rebecca Sidell*

Tel: 01273 291511

*Ward Affected: All Wards*

## 10 SCHEDULE OF APPEALS

83 - 84

Schedule prepared on behalf of the Executive Lead, Strategy, Governance and Law (copy attached)

## **11 SCHEDULE OF REVIEWS**

**85 - 86**

Schedule prepared on behalf of the Executive Director of Housing, Neighbourhoods and Communities (copy attached)

## **12 ITEMS REFERRED FOR COUNCIL**

To consider items to be submitted to Council for information.

*In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting*

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

### **WEBCASTING NOTICE**

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

### **ACCESS NOTICE**

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

### **FIRE / EMERGENCY EVACUATION PROCEDURE**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.



**BRIGHTON & HOVE CITY COUNCIL**

**LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)**

**4.00PM 4 MARCH 2021**

**VIRTUAL VIA MICROSOFT TEAMS**

**MINUTES**

**Present:** Councillors Deane (Chair), Davis (Deputy Chair), O'Quinn (Opposition Spokesperson), Simson (Group Spokesperson), Atkinson, Appich, Bagaeen, Ebel, Fowler, Henry, Knight, Lewry, Osborne, Rainey and Wares

**PART ONE**

**22 PROCEDURAL BUSINESS**

**22(a) Declarations of Substitutes**

22.1 There were none.

**22(b) Declarations of Interest**

22.2 There were no declarations of interests in matters listed on the agenda.

**22(c) Exclusion of Press and Public**

22.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

22.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

**23 MINUTES OF THE PREVIOUS MEETING**

- 23.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 26 November 2021 be agreed and signed as a correct record.

## **24 CHAIR'S COMMUNICATIONS**

### **Statement of Licensing Policy and Review of Gambling Policy**

- 24.1 The Chair, Councillor Deane explained that the revised Statement of Licensing Policy (SoLP) as agreed by the Committee at their meeting on 26 November 2020 had now been published and was available to view on the council website. It was also noted that the council's current Gambling Policy was due for review this year and that a report would come forward to a future meeting of the Committee.
- 24.2 **RESOLVED** – That the contents of the Chair's Communications be noted and received.

## **25 PUBLIC INVOLVEMENT**

### **25(a) Petitions**

- 25.1 There were none.

### **25(b) Written Questions**

- 25.2 There were none.

### **25(c) Deputations**

- 25.3 There were none.

## **26 MEMBER INVOLVEMENT**

## **27 COVID19 UPDATE – LICENSING AND HOSPITALITY SECTOR**

- 27.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities, the purpose of which was to provide an update on the report taken to the November meeting of the Committee on the effects on Licensing, both the trade and the service, from the impact of Covid 19 and the subsequent restrictions brought in intended to limit transmission of the virus.
- 27.2 Councillor Simson referred the arrangements which had been put into place in relation to the previous and current lockdowns and to the arrangements announced by the Government for a phased relaxation of the current arrangements for re-opening businesses. Councillor Simson asked whether Officers had any indication at this stage as to the number of businesses which would be re-opening and the number which would not. The Regulatory Services, Jim Whitelegg, explained that was difficult to ascertain, the overall position would not become clear until the current lockdown arrangements were lifted.



27.3 Councillor Henry enquired regarding lessons learnt as a result of the pandemic and it was explained that cross/interdepartmental working and working with other agencies had worked very well and that some of the processes put into place would continue post lockdown and would ensure that measures could be put into place rapidly should further lock-downs be required at a future date.

27.4 **RESOLVED** – That Members note the contents of this report and that officers should continue to take action as appropriate.

## 28 SCHEDULE OF APPEALS

28.1 There were none.

## 29 SCHEDULE OF REVIEWS

29.1 **RESOLVED** – That the contents of the report be noted.

## 30 ITEMS REFERRED FOR COUNCIL

30.1 There were none.

The meeting concluded at 4.50pm

Signed

Chairman

Dated this

day of



<b>Subject:</b>	<b>Annual Report of the Licensing Authority 2020</b>		
<b>Date of Meeting:</b>	<b>24 June 2021</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods, Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jim Whitelegg/Sarah Cornell</b>	<b>Tel: 01273 292438/295801</b>
	<b>Email:</b>	<a href="mailto:Jim.whitelegg@brighton-hove.gov.uk">Jim.whitelegg@brighton-hove.gov.uk</a> <a href="mailto:Sarah.cornell@brighton-hove.gov.uk">Sarah.cornell@brighton-hove.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>All</b>		

## **FOR GENERAL RELEASE**

### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1. This report sets out the licensing and gambling functions for Brighton & Hove City Council carried out during 2020.
- 1.2. National matters: legislative changes and consultation
  - Government legislature, local authorities and the hospitality sector have been severely impacted by the pandemic and the restrictions imposed by statutory coronavirus-related legislation throughout 2020/21.
- 1.3. Local licensing matters
  - Enforcement of covid restrictions
  - Statement of Licensing Policy 2021 reviewed and published
  - Gambling Policy 2021 reviewed (to be published 2022)
  - Street drinking/Sensible on Strength
- 1.4. Members are apprised of local and national issues.

### **2. RECOMMENDATIONS:**

- 2.1. That the committee notes the contents of this report.
- 2.2. That officers should continue to monitor trends of applications and illegal activity to inform future policy.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

#### **3.1. Licensing Act 2003**

- 3.1.1. At the time of writing this report the total number of licensed premises and club premises in Brighton & Hove is 1375 and 32 respectively.
- 3.1.2. Table 1 below shows the numbers of applications and hearings for the last three years, including those granted, refused and withdrawn.

3.1.3. The Licensing Authority dealt with 8 Reviews in 2020.

3.1.4. In Appendix 1 and 2 you will find more detailed tables showing “Total Premises Licences by venue type and ward” for 2020 in Appendix 1 and “Licence Applications received 2019 & 2020 – venue type and area” in Appendix 2 and 3.

Table 1: Licensing Act 2003 figures 2020/2019/2018

<b>1st Jan - 31st December 2020</b>		<b>1st Jan - 31st December 2019</b>		<b>1st Jan - 31st December 2018</b>	
<b>New apps 01.01.20-31.12.20</b>	<b>74</b>	<b>New apps 01.01.19-31.12.19</b>	<b>76</b>	<b>New apps 01.01.18-31.12.18</b>	<b>71</b>
TOTAL fully	71	TOTAL fully	72	TOTAL fully	65
(granted)	65	(granted)	67	(granted)	55
(refused)	3	(refused)	3	(refused)	7
(withdrawn)	3	(withdrawn)	2	(withdrawn)	3
(pending)	3	(pending)	4	(pending)	6
<b>Variations</b>	<b>37</b>	<b>Variations</b>	<b>28</b>	<b>Variations</b>	<b>33</b>
TOTAL	36	TOTAL	28	TOTAL	32
(granted)	31	(granted)	23	(granted)	24
(refused)	0	(refused)	2	(refused)	4
(withdrawn)	5	(withdrawn)	3	(withdrawn)	4
(pending)	1	(pending)	0	(pending)	1
<b>Minor Variations</b>	<b>75</b>	<b>Minor Variations</b>	<b>79</b>	<b>Minor Variations</b>	<b>74</b>
TOTAL	75	TOTAL	77	TOTAL	72
(granted)	70	(granted)	77	(granted)	64
(refused)	4	(refused)	0	(refused)	7
(withdrawn)	1	(withdrawn)	0	(withdrawn)	1
(pending)	0	(pending)	2	(pending)	2
<b>Panel hearings (apps)</b>	<b>13</b>	<b>Panel hearings (apps)</b>	<b>26</b>	<b>Panel hearings (apps)</b>	<b>23</b>
<b>Reviews</b>	<b>8</b>	<b>Reviews</b>	<b>2</b>	<b>Reviews</b>	<b>0</b>
<b>Appeals</b>	<b>3</b>	<b>Appeals</b>	<b>2</b>	<b>Appeals</b>	<b>0</b>
<b>TENS hearings</b>		<b>TENS hearings</b>		<b>TENS hearings</b>	<b>4</b>
TOTAL TENS	327	TOTAL TENS	1342	TOTAL TENS	1213
TENS (granted)	300	TENS (granted)	1313	TENS (granted)	1180
TENS (refused)	1	TENS (refused)	20	TENS (refused)	26
TENS (withdrawn)	26	TENS (withdrawn)	9	TENS (withdrawn)	7

3.1.4 In 2020 a total of 74 new premises applications were received, 65 of which were fully processed between 01.01.20 and 31.12.20. Processing means receiving the application, entering it onto the database, receiving representations and proceeding to a panel hearing, sending out the panel decision letters, writing up the licences, sending out the licence and entering the decision onto the database. There can be some applications received near to the year end that might be counted as an application received but not as an application fully processed (because of 28 day consultation period, 20 day hearing period etc), these are shown as ‘pending’ in the table.

### 3.1.5 Headline trends

There was an increase of new applications for both 2019 & 2020 from 2018, it is interesting to note that despite the Covid 19 restrictions there were still a consistent number of new applications received in 2020. There were a higher number of 'other' applications in 2020 with people applying for licences that do not neatly fit in to one of the other categories.

<u>1st Jan - 31st December 2020</u>		<u>1st Jan - 31st December 2019</u>		<u>1st Jan - 31st December 2018</u>	
<b>New apps 01.01.20-31.12.20</b>	<b>74</b>	<b>New apps 01.01.19-31.12.19</b>	<b>76</b>	<b>New apps 01.01.18-31.12.18</b>	<b>71</b>
Pub/bar/nightclub	3	Pub/bar/nightclub	9	Pub/bar/nightclub	5
Convenience Store (off)	7	Convenience Store (off)	9	Convenience Store (off)	11
Restaurant	12	Restaurant	22	Restaurant	7
Café	14	Café	10	Café bar	14
Late Night Refreshment	3	Late Night Refreshment	3	Late Night Refreshment	2
Large supermarket	1	Large supermarket	0	Large supermarket	2
Petrol station	0	Petrol station	1	Petrol station	0
Church, Village hall etc	0	Church, Village hall etc	1	Church, Village hall etc	3
Cinema	0	Cinema	1	Cinema	1
Hotel/guest house	1	Hotel/guest house	0	Hotel/guest house	0
Other (inc. Members Clubs)	33	Other (inc. Members Clubs)	20	Other (inc. Members Clubs)	26

3.1.6 Of the 74 new applications received during 2020, 37 were for premises within the CIZ and 11 were in the special stress area. 8 applications were for time limited licences (e.g. The Warren, Luna Beach Cinema & Land Beyond Festival). Looking at the 37 premises within the CIZ, 4 were granted after representations had been withdrawn & agreements reached, 24 were granted after no representations were received, 1 was refused and 6 were granted after a panel hearing and 2 were withdrawn.

This is a breakdown of the 33 'Other' applications:- 10 x time limited licences for events, 1 x watersports centre, 1 x church, 1 x food hall, 8 x Online alcohol sales businesses, 2 x shadow licences, 2 x deli/retail shop with small café, 1 x craft café, 1 x council event space, 1 x café part time & restaurant part time, 1 x indoor golf attraction & leisure attraction with bar, 1 x free arts networking space & small scale entrepreneurial arts centre, 1 x record shop with very limited alcohol selection of ale only until 6pm everyday, 1 x homeware shop with very limited alcohol selection, 1 x takeaway grill with small alcohol selection for take away.

### 3.2. Gambling Act 2005 - Licensing Authority Functions

3.2.1. The functions of licensing authorities may be divided roughly into five: publication of Gambling Policy, regulation of premises, registration of small society lotteries, maintenance of registers and compliance.

3.2.2. Table shows types and numbers of gambling licences issued by Licensing Authority.

Number of Gambling Authorisations – Current Figures		
	Oct 2018	May 2021
Betting Premises Licences	38	25
Bingo Premises Licences	1	2
Adult Gaming Centre Premises Licences	10	6
Family Entertainment Centre Premises Licences	2	1
Family Entertainment Centre Permits	4	5
Alcohol licensed premises providing two or less gaming machines	182	185
Alcohol licences premises providing three or more gaming machines	25	22
Club Gaming Permits	3	3
Club Machine Permits	7	8
Casinos	4	4
Betting Track	2	2

### 3.3. Local Licensing Issues/Covid Impact

#### 3.3.1. Covid19 Update – licensing and hospitality sector

Despite business as usual in terms of licensing applications and panel hearings, the licensing team and regulatory services, have been all consumed with supporting and advising businesses through the covid restrictions, as well as enforcing the new legislation. Regulatory Services dealt with nearly 1500 Covid related enquiries and complaints during the various lockdown periods and subsequent easing of restrictions and re-opening phases (March 2020/21).

A summary of the enforcement action and types of complaints and enquiries is detailed in Appendix 4.

At the time of publishing this report (14<sup>th</sup> June) we are currently operating in step 3 of the roadmap with indoor hospitality having opened on the 17<sup>th</sup> May. However, due to increasing rates of infection, particularly of the Delta variant, the Government have delayed the move to step 4, which was due to happen on the 21<sup>st</sup> June, and the removal of all restrictions, to no earlier than the 19<sup>th</sup> July.

One positive that has come out of the pandemic has been the enormous amount of collaboration and cooperation we have seen locally, regionally and nationally in the support and joint work taking place across local authorities, and with external partners and stakeholders such as the police and the trade. We've worked hard with the Council's communications team to ensure that timely and appropriate messaging has regularly gone out to all licensed premises where there have been any changes to restrictions and guidance.

The council commissioned training for businesses to help them with Covid risk assessments and controls to facilitate the safe re-opening of the city. As controls and risks differ for different types of businesses, we have split up the training into hospitality, cultural and events and retail. We want to promote it with smaller businesses who are in greater need of the support. Delivery will be in the form of a 1.5 hour interactive online session for managers/owners and a smaller session for staff. After the online courses are delivered, we plan to have the course content available via our website as view only.

We have continued to use covid information officers and covid marshals to work alongside both council and police officers to support businesses and where necessary take enforcement action, as well as re-assuring residents, customers and staff with regards to public safety.

### 3.3.2. **Sensible on Strength/Under Age Training**

- Membership = 245 - SOS website
- Further 50 stopped selling but not joined scheme
- Total off licences 323
- Dr Worthley, Lead GP at Brighton Homeless Healthcare, “continues to be one of the most significant public health measures in Brighton & Hove”
- SoS scheme continues to generate a lot of interest from other authorities who have visited B&H to find out how we run the scheme. In addition, Varndean 6<sup>th</sup> Form College are using the Sensible on Strength (SoS) as a study about a local health campaign and the SoS initiative has been included in a module for Promoting Public Health to second year students.
- Age restricted sales training and test purchasing was limited in 2020 as a result of the covid restrictions but have resumed from May 2021.

## 4. **COMMUNITY ENGAGEMENT AND CONSULTATION**

4.1. Licensing Strategy Group, finance and legal services.

## 5. **FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

5.1 The costs associated to activities allowable under the Licensing Act 2003 are funded by licence fee income; any variation between expenditure and income generated from licence fees is funded from existing revenue budgets.

Where fees are not set by central government, licence fees are set at a level that it is reasonably believed will cover the costs of providing the service and in accordance with the requirements of the legislation under which they are charged. Licence fees are approved annually at Licensing Committee.

*Finance Officer Consulted: Michael Bentley*

*Date: 26/05/21*

Legal Implications:

5.2 Legal implications are contained within the body of this report.

*Lawyer Consulted:*

Rebecca Sidell

*Date:*

Equalities Implications:

5.3 There are no direct equalities implications.

Sustainability Implications:

5.4 There are no direct sustainability implications.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

Risk and Opportunity Management Implications:

5.6 No implications

Public Health Implications:

5.7 Contained within report.

Corporate / Citywide Implications:

5.8 The local licensing delivers support improvement that help businesses comply with the law speedily, easily and economically.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

None – for information only.

**7. REASONS FOR REPORT RECOMMENDATIONS**

For information only.



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix 1 – “Total premises Licences by venue type and ward”
2. Appendix 2 - “Licence applications received 2019 – venue type and area”
3. Appendix 3 – “Licence applications received 2020 – venue type and area”
4. Appendix 4 - Covid Enforcement Summary

### **Documents in Members’ Rooms**

1. None.

### **Background Documents**

1. None.





**Covid 19 Updates**

Total number of recorded stats/figures of intel/complaints (since lockdown 1.0 - 23/03/2020)

<b>Licensed</b>	<b>672</b>
<b>Unlicensed / Retail / Other</b>	<b>778</b>
<b>Prohibition Notices</b>	<b>5</b>
<b>Directions</b>	<b>2</b>

This total of 1457 is broken down into the below categories:

<b>Licensed</b>	
Pubs / Restaurants	441
Supermarkets / Convenience Stores	208
Tattoo / Skin Piercing	22
Clubs / SEV	1
<b>Unlicensed / Retail / Other</b>	
Pricing Complaints	30
Business Enquiries (grants, business rates etc.)	27
Holiday Complaints (Refunds etc.)	53
Holiday Lets / Guest Houses / Hotels / Air BnB	71
Opening	64
Car Wash	18
Vape / Tobacconist	11
Shisha	7
Mobile Phone	15
Hairdressers / Barbers / Beauty / Spas	89
Gyms	29
Café / Takeaway	193
Retail	135
Other	36
<b>Prohibition Notice</b>	<b>5</b>
<b>Directions</b>	<b>2</b>

Nature of issues reported include:

Lack of masks/face coverings
Sanitiser, screens, inadequate cleaning, ventilation, etc.
Not collecting customer etc. information for NHS Test and Trace or not displaying a QR code
Social distancing
Bookings of over 6 (or one household in areas of local restrictions), table spacing, and mingling between groups on the premises
Failing to adhere to restrictions on opening hours and last order times
No risk assessment in place
Covid risk from staff, e.g. positive test
Clarification of guidance
Live music/entertainment
Failing to close when required to remain closed

## Appendix A – Summary of Covid Enforcement

### Various stages of Tier's and Restrictions on Licensed premises:

- **First Lockdown** - *23 March 2020*
- **Tier 1 – Medium Alert** - *20 October 2020*
- **Second Lockdown** - *5 November 2020*
- **Tier 2 - High Alert** – *2 December 2020*
- **Tier 4 – Stay at Home** – *26 December 2020*
- **Tier 4 - National lockdown: Stay at Home** – *6 January 2021*
- **Roadmap out of lockdown** – *8 March 2021*

#### **First Lockdown – Stay at Home** – *23 March 2020*

The following hospitality venues must close:

- Restaurants, including restaurants and dining rooms in hotels or members clubs.
- Cafes, including workplace canteens
- Bars, including bars in hotels or members' clubs.
- Public houses.

#### **Reopening after First Lockdown** – *4 July 2020*

The following guidance for hospitality applied:

- requiring use of table service where possible instead of ordering at the bar and assigning a single staff member per table
- encouraging use of contactless ordering from tables where available, such as through an app
- discouraging non-essential trips by staff within venues, such as between the kitchen and front of house, by using radios and other electronic devices to communicate
- encouraging customers to use hand sanitiser or handwashing facilities as they enter the venue
- providing clear guidance on social distancing and hygiene as people arrive on the premises, with signage and visual aids

#### **Tier 1 – Medium Alert** - *20 October 2020*

The following guidance for hospitality applies:

- hospitality businesses selling food or drink for consumption on their premises are required to:
  - provide table service only, for premises that serve alcohol
  - close between 11pm and 5am (hospitality venues in airports, ports, on transport services and in motorway service areas are exempt)
  - stop taking orders after 10pm
- hospitality businesses and venues selling food and drink for consumption off the premises can continue to do so after 10pm as long as this is through delivery service, click-and-collect or drive-through
- early closure (11pm) applies to casinos, cinemas, theatres, concert halls, museums, bowling alleys, amusement arcades, funfairs, theme parks, adventure parks and activities and bingo halls. Cinemas, theatres and concert halls can stay open beyond 11pm in order to conclude performances that start before 10pm

#### **Second Lockdown** - *5 November 2020*

The Regulations state that hospitality venues, such as cafes, restaurants, pubs, bars and social clubs must close for consumption on the premises.

##### **Food or Drink (No Alcohol)**

- Between the hours of 05:00 and 22:00 a premise may sell food or drink for take-away, and the purchaser can enter the premises to collect the food or drink.
- After 22:00 till 05:00 the next morning, premises may sell food and drink, but the sale must be pre-ordered and only made via a delivery, click and collect or a drive-thru facility. The purchaser must not enter the premises or vacate their vehicle.

## Appendix A – Summary of Covid Enforcement

### Alcohol

- A premise may sell alcohol at any time within the terms of their licence, but the sale must be pre-ordered and only made via a delivery, click and collect or a drive-thru facility. The purchaser must not enter the premises or vacate their vehicle.
- Off licences were exempt from the above as they are not a business that is required to close.

### Tier 2 - High Alert – 2 December 2020

Hospitality businesses selling food or drink for consumption on their premises must:

- only serve alcohol for consumption on the premises as part of a substantial meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal.
- provide table service only in premises that serve alcohol.
- not provide shared smoking equipment (including for shisha) for use on the premises
- close between 11pm and 5am.
- cease taking orders after 10pm. Customers must leave premises by 11pm

Hospitality businesses and venues selling food and drink for consumption off the premises can continue to do so through delivery and click-and-collect (where orders are made online, by telephone or by post), drive-through or takeaway until 11pm. This may continue after 11pm, with the exception of takeaway, which must cease. Venues offering click-and-collect or delivery services must not include alcoholic beverages if their license does not already permit.

### Tier 4 – Stay at Home – 26 December 2020

The following hospitality venues must close for consumption on their premises.

- Restaurants; pubs; bars, including those in hotels or members' clubs, and shisha bars; social clubs
- Cafes and canteens, excluding those exempted below

These closed premises can continue to provide:

- Food and drink on a takeaway basis between 5am and 11pm. This means that customers can enter the premises to place and collect their order. Food and drink can also be sold for delivery, and via click and collect where orders are made online, by telephone or by post; and drive through;
- Food and drinks for delivery, via click and collect and drive through only between 11pm and 5am. Click-and-collect and delivery services can only operate where goods are pre-ordered (by phone, online, via a mobile app or by post) and collected without entering the premises. Venues offering click-and-collect or delivery services must not include alcoholic beverages if their license does not already permit.

Hospitality venues providing food and drink for consumption off the premises are not permitted to allow customers to consume from any adjacent seating to the premises.

### Tier 4 - National lockdown: Stay at Home – 6 January 2021

Restrictions on Service of Food and Drink for Consumption on the Premises (close premises and cease providing food drink for consumption on premises)

- hospitality venues such as cafes, restaurants, pubs, bars and social clubs; with the exception of providing food and non-alcoholic drinks for takeaway (until 11pm), click-and-collect and drive-through. All food and drink (including alcohol) can continue to be provided by delivery.

### Roadmap out of lockdown – 8 March 2021

#### Step 2 - no earlier than 12 April

Outdoor areas at hospitality venues (cafes, restaurants, bars, pubs, social clubs, including in member's clubs) can reopen, including for takeaway alcohol. Some venues may wish to erect outdoor shelters. To be considered 'outdoors', shelters, marquees and other structures can have a roof but need to have at least 50%

## Appendix A – Summary of Covid Enforcement

of the area of their walls open at all times whilst in use. These venues may allow customers to use toilets located inside.

At any premises serving alcohol, customers will be required to order, be served and eat/drink while seated (“table service”). Venues will be prohibited from providing smoking equipment, such as shisha pipes, for use on the premises.

### Step 3 - no earlier than 17 May

Indoor areas of hospitality venues will reopen. As outdoors, table service will be required. Venues will be prohibited from providing smoking equipment such as shisha pipes, for use on the premises.

Following the move to Step 3, further settings will be permitted to open. Unless a specific exemption exists, these must only be attended/used in line with the wider social contact limits at this stage - in a group of 6 people or 2 households indoors: or in a group of no more than 30 people outdoors.

### Step 4 - no earlier than ~~21 June~~ (delayed to no later than 19<sup>th</sup> July 2021)

In Step 4 we hope to reopen remaining settings such as nightclubs and adult entertainment venues, and to lift the restrictions on social contact and large events that apply in Step 3.

## Covid Regulation/Legislation:

*Two key items of primary legislation contain emergency powers relating to coronavirus and health protection in England:*

- Coronavirus Act 2020  
*These Regulations came into force on 25 March 2020*
- Public Health (Control of Disease) Act 1984  
*These Regulations came into force on 26 June 1984*

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

*These Regulations came into force on 29 March 2021*

*There are six key health protection regulations that apply to everyone in England:*

- ❖ The Health Protection (Coronavirus, International Travel) (England) Regulations 2020  
*These Regulations came into force on 8 June 2020*
- ❖ The Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020  
*These Regulations came into force on 18 July 2020*
- ❖ The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020  
*These Regulations came into force on 24 July 2020*
- ❖ The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020  
*These Regulations came into force on 17 September 2020*
- ❖ The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020  
*These Regulations came into force on 28 September 2020*
- ❖ The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers) (England) Regulations 2020  
*These Regulations came into force on 2 December 2020*

### Regulations listed in date order:

- Public Health (Control of Disease) Act 1984  
*These Regulations came into force on 26 June 1984*
- Coronavirus Act 2020  
*These Regulations came into force on 25 March 2020*
- The Health Protection (Coronavirus) Regulations 2020  
*These Regulations come into force on 10 February 2020*
- The Health Protection (Coronavirus) Regulations 2020 (revoked)  
*These Regulations were revoked on 25 March 2020*
- Health Protection (Coronavirus, Business Closure) (England) Regulations 2020  
*These Regulations come into force on 21 March 2020*
- The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020  
*These Regulations come into force on 26 March 2020*
- The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020  
*These Regulations come into force on 1 June 2020*
- The Health Protection (Coronavirus, International Travel) (England) Regulations 2020  
*These Regulations came into force on 8 June 2020*
- The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020 -  
*These Regulations come into force on 13 June 2020*
- The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020  
*These Regulations come into force on 4 July 2020*
- The Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020  
*These Regulations came into force on 18 July 2020*
- Business and Planning Act 2020  
*This Act came into force on 22 July 2020*
- The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020  
*These Regulations came into force on 24 July 2020*
- The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020  
*These Regulations came into force on 17 September 2020*
- The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020  
*These Regulations came into force on 28 September 2020*
- The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020  
*These Regulations come into force on 5 November 2020*
- Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020  
*These Regulations come into force on 2 December 2020*
- The Health Protection (Coronavirus, Restrictions) (All Tiers and Obligations of Undertakings) (England) (Amendment) Regulations 2020  
*These Regulations come into force on 20 December 2020*
- The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) (Amendment) (No. 3) Regulations 2020  
*These Regulations come into force on 26 December 2020*
- The Health Protection (Coronavirus, Restrictions) (No. 3) and (All Tiers) (England) (Amendment) Regulations 2021  
*These Regulations come into force on 6 January 2021*





<b>Subject:</b>	<b>Gambling Policy Review 2022-2024 (as revised)</b>		
<b>Date of Meeting:</b>	<b>24 June 2021</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jim Whitelegg, Regulatory Services Manager</b>	<b>Tel: 29-2438</b>
	<b>Email:</b>	<b>Jim.whitelegg@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

## **FOR GENERAL RELEASE**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Gambling Act 2005 requires Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they propose to apply when exercising their functions, and they must publish the statement following the procedure set out in the Act, including whom they should consult.

### **2. RECOMMENDATIONS:**

- 2.1 That committee instruct officers to carry out a consultation on the draft policy (attached at appendix 1).

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Brighton & Hove's gambling policies and practices has been highlighted by the Gambling Commission as an examples of good practice, in particular the work and links developed with Public Health to tackle gambling related harm.
- 3.2 The policy went through a comprehensive review for the 2016 version, where Licensing officers, in conjunction with colleagues from the Public Health analyst team re-wrote the Gambling Statement of Principles. A further review took place for the 2019 version, where changes included increasing awareness of mental health issues and concerns about the use of privacy booths.
- 3.3 It is not proposed that this statutory review will incorporate any major changes. We have continued to liaise with the Gambling Commission and have been advised there are no major national changes to the Guidance for Local Authorities document that will affect local policies. The revised policy will reflect changes such as the reduction in B2 gaming machine stakes in April 2019, update the licensing figures and safeguarding contacts. Pre-consultation has taken place with the Gambling Commission, relevant stakeholders such as public health and council departments to ensure that the information contained within the policy is up to date. There have been some minor changes to the wording for considerations for local risk assessments and suggested conditions. The public

health analyst team have updated the local area profile (LAP) to hopefully make it more user friendly and accessible to operators. Please find a copy of the revised Gambling Policy in Appendix 1 which includes guidance and advice on the local area profile in paragraph 13.20, and Appendix 2 contains the local area profile.

- 3.4 The gambling and the hospitality industry in general, has been severely impacted by lockdown restrictions since March 2020. Officers will be resuming the gambling premises inspection programme in the coming months as the sector fully re-opens including test purchasing operations of gaming machines in pubs.
- 3.5 The table below and also contained in the Gambling Policy 3.1.2 shows the number of gambling premises licensed by the licensing authority in 2018 and 2021. It can be seen that the numbers are fairly stable except for betting shops where we've seen a reduction of 38 to 25, which can be largely explained by the reduction in stakes from £100 to £2 for gaming machines in betting shops.

Number of Gambling Authorisations – Current Figures		
	Oct 2018	May 2021
Betting Premises Licences	38	25
Bingo Premises Licences	1	2
Adult Gaming Centre Premises Licences	10	6
Family Entertainment Centre Premises Licences	2	1
Family Entertainment Centre Permits	4	5
Alcohol licensed premises providing two or less gaming machines	182	185
Alcohol licences premises providing three or more gaming machines	25	22
Club Gaming Permits	3	3
Club Machine Permits	7	8
Casinos	4	4
Betting Track	2	2

- 3.6 Officers propose carrying out a full consultation which will last for 2 months. Following analysis of that consultation, officers will report back to committee with a proposed Gambling Policy which, if approved, will progress to Full Council for approval. A copy of the draft policy with can be found in Appendix 1.

#### 4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 None.

#### 5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Consultation will last 2 months. The existing statement of gambling policy will be sent to consultees and is available on the council's website.
- 5.2 Before publishing the Statement, the local authority is required to publish a notice of its intention to publish a statement. This must be done no less than two weeks before the statement is published. The notice must
- Specify the date on which the statement is to be published
  - Specify the date on which the statement will come into effect

- c) Specify the internet address where the statement will be published and the address of the premises at which it may be inspected and
  - d) Be published on the authority's website and in or on one or more of the following places
    - A local newspaper circulating in the area covered by the statement
    - A local newsletter, circular or similar document circulating in the area covered by the statement
    - A public notice board on or near the principal office of the authority's public notice board on the premises of public libraries in the area covered by the statement.
- The statement must be published at least one month before it takes effect.

### 5.3 Timetable:

- Licensing Committee 24 June 2021
- Consultation 2 months (July – August)
- Licensing Committee October 2021
- Full Council December 2021
- Advertise and publish during January 2022
- January 2022 Revised Statement comes into effect

## 6. CONCLUSION

- 6.1 The Licensing Authority has a duty to prepare and publish a Gambling Policy.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 There are no financial implications arising from the production of this statement, as licensing fees are set at a level that will be cost neutral to the licensing authority.

*Finance Officer Consulted: Michael Bentley*

*Date: 26/05/21*

### Legal Implications:

- 7.2 Local authority responsibilities include: upholding licensing objectives, publishing a three year licensing policy, determining applications for premises licences and regulating members clubs – club gaming and machine permits. The Licensing Committee established under section 6 of the Licensing Act 2004 has authority to exercise functions under the Gambling Act 2005 with the exception of: a resolution not to issue casino licences, the three year licensing policy (full council) and setting fees.

*Lawyer Consulted:*

*Rebecca Sidell*

*Date:*

### Equalities Implications:

- 7.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling is one of the licensing objectives. The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits

children. “Vulnerable persons” will not be defined but for regulatory purposes the assumption is that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Operators should encourage where appropriate, strategies for self help and provide information on organisations where advice and help can be sought.

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

Sustainability Implications:

7.4 None.

Any Other Significant Implications:

7.5 Gambling licensing objectives are:

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

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

- 1. Draft Gambling Statement
- 2. Local Area Profile

### **Documents in Members’ Rooms**

1. None.

### **Background Documents**

1. None.

# **Gambling Policy**

## **(Statement of Principles)**

### **2019 – 2021**

Gambling Act 2005



**Brighton & Hove  
City Council**

**Further copies of this document can be obtained from:**

Licensing Team  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Tel: 01273 294429

Email: [Ehl.safety@brighton-hove.gov.uk](mailto:Ehl.safety@brighton-hove.gov.uk)

Web: <http://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling>

Contents	Page
<b>Executive Summary</b>	
<b>Part A The Gambling Act 2005</b>	<a href="#"><u>5</u></a>
1. The licensing objectives	<a href="#"><u>6</u></a>
2. Brighton & Hove	<a href="#"><u>6</u></a>
3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy	<a href="#"><u>7</u></a> <a href="#"><u>8</u></a>
4. The licensing framework	<a href="#"><u>8</u></a>
5. Declaration	<a href="#"><u>8</u></a>
6. Responsible authorities	<a href="#"><u>8</u></a>
7. Interested parties	<a href="#"><u>9</u></a>
8. Exchange of information	<a href="#"><u>9</u></a>
9. Licensing authority functions	<a href="#"><u>10</u></a>
<b>Part B Promotion of the licensing objectives</b>	<a href="#"><u>12</u></a>
10. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	<a href="#"><u>12</u></a>
11. Ensuring that gambling is conducted in a fair and open way	<a href="#"><u>12</u></a>
12. Protecting children and other vulnerable persons from being harmed or exploited by gambling	<a href="#"><u>13</u></a>
<b>Part C Premises licences</b>	<a href="#"><u>16</u></a>
13. Premises Licences	<a href="#"><u>16</u></a>
• Definition of a premises licence	<a href="#"><u>16</u></a>
• Local Risk Assessment	<a href="#"><u>17</u></a>
• Local Area Profile	<a href="#"><u>18</u></a>
• Conditions	<a href="#"><u>19</u></a>
• Door supervision	<a href="#"><u>20</u></a>
14. Adult gaming centres	<a href="#"><u>21</u></a>
15. Licensing family entertainment centres	<a href="#"><u>21</u></a>
16. Casinos	<a href="#"><u>23</u></a>
17. Bingo premises	<a href="#"><u>23</u></a>

18. Betting premises	<a href="#">24</a>
• Betting Machines	<a href="#">24</a>
19. Tracks	<a href="#">25</a>
20. Travelling fairs	<a href="#">27</a>
21. Gaming Machines	<a href="#">27</a>
<b>Part D Permits, notices and lottery registrations</b>	<a href="#">28</a>
22. Unlicensed family entertainment centre gaming machine permits	<a href="#">28</a>
23. Gaming machine permits in premises licensed for the sale of alcohol	<a href="#">30</a>
24. Prize gaming permits	<a href="#">32</a>
25. Club gaming and club machine permits	<a href="#">33</a>
26. Temporary use notices	<a href="#">34</a>
27. Occasional use notices (for tracks)	<a href="#">35</a>
28. Small society lottery registrations	<a href="#">35</a>
<b>Part E Enforcement</b>	<a href="#">37</a>
29. Enforcement principles	<a href="#">37</a>
30. Reviews	<a href="#">38</a>
31. Test purchasing	<a href="#">39</a>
<b>Appendices</b>	
Appendix 1 Glossary of terms	<a href="#">41</a>
Appendix 2 Gaming Machines	<a href="#">44</a>
Appendix 3 Summary of gaming entitlements for clubs and pubs	<a href="#">48</a>



## Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005, the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31<sup>st</sup> January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives, which are:

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

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The Council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the Council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council in conjunction with the Gambling Commission. The policy describes the Council's enforcement principles and the principles underpinning the right of review.

The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

### 1. The licensing objectives

1.1. Under the Gambling Act 2005 (the Act) Brighton and Hove Council is the licensing authority responsible for licensing premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to the Brighton and Hove Licensing Authority.

1.2. The Council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:

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

1.1. More information can be found about how the Council will achieve this in Part B and Part C of this document.

1.2. The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.

1.3. The Council is aware that in making decisions about premises licences, it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonable consistent with the licensing objectives, and
- in accordance with this document.

1.4. The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration local information. Specific information about localities is provided in this policy at Part C.

### 2. Brighton & Hove

#### 2.1. Local features

The population of Brighton & Hove is approximately 275,000, but this number increases significantly in the summer months with the influx of tourists. The local visitor economy is characterised by three sectors: conferences, leisure and English language education. In 2019, the City received 10.7 million tourism day trips and 1.67 million staying visitors per year which equated to nearly 5.5 million nights stayed in the City. In 2019 the Visitor economy generated over £976 million of direct income for local businesses and supported over 24,000 jobs, 17.5% of the total Brighton & Hove labour force is employed in jobs supported by tourism expenditure.

Brighton Marina is one of the largest in Europe, and the City is a major centre for heritage and culture, hosting the largest annual international arts festival in England every May. There are also two Universities, a City College and a large number of language schools, which together make the City very popular with students from many parts of the world. Thirty five percent of the population is aged 20-39, which is much higher than the national average. This is quite different from the large retirement age population associated with many coastal cities and reflects the City's reputation among young people as an attractive place to live.

## 2.2. Culture and Tourism

Licensing policy supports entrepreneurial activity, promoting the City's businesses, supporting growth of the creative industries sector, extending the business improvement district. The cultural and tourism offer in Brighton & Hove is crucial to the ongoing economic success of the City; it brings both money and jobs. This range of work also provides solutions to some of the problems of inequality in the City.

The City of Brighton & Hove already provides many gambling facilities. There are two racetracks, Brighton Racecourse on Whitehawk Down which has been a site of organised public racing since the late eighteenth century and Coral Greyhound Racing Stadium in Hove. Brighton and Hove were two of the 53 permitted areas in Great Britain with four casinos under the 1968 Act. There are numerous bingo and betting premises. As a seaside resort, there is a history of amusement arcades, known as family entertainment centres, and adult gaming centres.

## 3. The Purpose of the Gambling Act 2005 – Statement of Licensing Policy

3.1. Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from "time to time" and any amendments must be consulted upon. The statement must then be re-published.

3.2. Consultation was undertaken with the following:-

- the chief officer of police for the authority's area; and HM Revenue & Customs;
- persons representing the interests of persons carrying on gambling businesses in the authority's area – including existing casino operators, the British Casino Association, betting shops and the Association of British Bookmakers, bingo premises, operators of amusement facilities in the area, the Racecourse Association, Brighton Business Forum;
- persons who represent the interests of persons who are likely to be affected by the Act, including faith groups, local residents and tenants associations, voluntary and community organisations working with children and young people, operators of small lotteries, organisations working with people who are problem gamblers, medical practices, and advocacy organisations such as Citizens Advice Bureau, The Money Advice Trust and National Debtline, GamCare, Members and trade unions, and others via the Council's consultation portal.

3.3. The consultation took place between XXXXX and XXXXXX and followed the Council's Officer's Code of Practice on Consultation. The consultation elicited X responses which

are available on request. The policy was approved at a meeting of the Full Council on XX<sup>th</sup> December 2021.

#### **4. The licensing framework**

- 4.1. The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.
- 4.2. The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the Council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The Council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.
- 4.3. The Council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

#### **5. Declaration**

- 5.1. This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 5.2. In producing this document, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

#### **6. Responsible Authorities**

- 6.1. The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 6.2. The Council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
  - The need for the body to be responsible for an area covering the whole of the licensing authority's area;

- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

6.3. In accordance with the regulations, the Council designates the Brighton & Hove Safeguarding Children Partnership (BHSCP) for this purpose. The BHSCP utilises the Pan Sussex Child Protection and Safeguarding Procedures. Applicants may find these procedures useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to children’s social work, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.

6.4. The contact details of all the responsible authorities under s157 of the Gambling Act 2005 are available on the Council’s website within the Gambling Policy at page 39.

## 7. Interested Parties

7.1. Interested parties are certain types of people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part, a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the 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 paragraph (a) or (b).”

7.2 The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s guidance to local authorities.
- Within this framework, the Council will accept representations made on behalf of residents and tenants’ associations
- In order to determine if an interested party lives or has business interests sufficiently close to the premises to be likely to be affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.

## 8 Exchange of Information

8.1 Licensing authorities are required to include in their policy statement, the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

8.2 The principle that the Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

8.3 **Please note:** *names and addresses of those making representations will usually be disclosed to applicants.*

8.4 The gambling authority shall secure the proper integration of this policy with local crime prevention, planning, tourism and cultural strategies by:-

- liaising and consulting with the Sussex Police, HM Revenue & Customs and the Community Safety Strategy representatives, and following the guidance in community safety and crime and disorder strategy;
- liaising and consulting with the planning authority;
- liaising and consulting with tourism, stakeholder groups, business groups such as the business forums and the economic development functions for the Council;
- having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols.

## 9 Licensing authority functions

9.1 Licensing authorities are responsible under the Act for:

- licensing premises where gambling activities are to take place by issuing premises licences
- issuing provisional statements
- regulating members' clubs institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issuing Club Machine Permits to commercial clubs
- granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
- receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on "Exchange of information")
- maintaining registers of the permits and licences that are issued under these functions.

9.2 Family Entertainment Centres –

Applicants for permits for family entertainment centres will be required to submit enhanced DBS (Disclosure and Barring Service) certificate and declaration from an applicant that he or she has not been convicted of a relevant offence.

9.3 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, but a Sub-Committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table below.

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		X
Fee setting (when appropriate)		X	
Application for premises licence		If a representation made	If no representation made
Application for a variation to a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/club machine permits		If a representation made	If no representation made
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

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

Number of Gambling Authorisations – Current Figures (May 2021)	
Betting Premises Licences	25
Bingo Premises Licences	2
Adult Gaming Centre Premises Licences	6
Family Entertainment Centre Premises Licences	1
Family Entertainment Centre Permits	5
Alcohol licensed premises providing two or less gaming machines	185
Alcohol licenced premises providing three or more gaming machines	22
Club Gaming Permits	3
Club Machine Permits	8
Casinos	4
Betting Track	2

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

- 10.1 Applicants for premises licences will have to hold an operating licence from the Gambling Commission before the premises licence can be issued. The licensing authority will not need to investigate the suitability of an applicant since the Commission will have already done so for both operating and personal licences.
- 10.2 If, during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.
- 10.3 Licensing authorities will need to consider the location of premises in the context of this objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems, e.g. organised crime, the authority should think about what controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence. Section 169 of the Act allows the authority to impose conditions to prevent disorder.
- 10.4 Consideration may be given to imposition of conditions concerning:
- Security and door supervision – guarding premises against unauthorised access or occupation, or against outbreaks of disorder or against damage may only be undertaken by Security Industry Authority licensed personnel.
  - As set by regulation.
- 10.5 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

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

- 11.1 Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter dealt with under the operating licence or personal licence.
- 11.2 In relation to the licensing of tracks, the licensing authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances, the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. Off-course operators with on-course facilities may be required to hold a separate betting premises licence for this area, but this will not be a mandatory requirement and will be at the discretion of the racecourse and the betting operator.



## 12 Protecting children and other vulnerable persons from being harmed or exploited by gambling

12.1 The Act provides the following definition for child and young adult in Section 45:

Meaning of “child” and “young person”

(1) In this Act “child” means an individual who is less than 16 years old.

(2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

For the purpose of this section, protection of children will encompass both child and young person as defined by the Act.

12.2 The Council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

12.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

12.4 In the case of premises licences, the Council is aware of the extensive requirements set out for operators in the Gambling Commission’s Code of Practice. In this document, the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

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

12.5 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective, and determine if these policies and procedures are appropriate in their circumstances. The Council will communicate any concerns to the Gambling Commission about any absence of this required information.

12.6 Applicants may also like to make reference to the Sussex Safeguarding Adults Policy and Procedures which provides extensive guidance on identifying vulnerable people at risk of abuse or neglect and how to report a concern. This document can be accessed via <https://sussexsafeguardingadults.procedures.org.uk/>

12.7 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” but will, for regulatory purposes, assume that this group includes people:

“who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced

decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs”.

Operators should make information publicly available via leaflets, etc about organisations that can provide advice and support, both in relation to gambling itself, to debt and mental wellbeing, e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureaux, Samaritans and independent advice agencies.

12.8 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets;
- training for staff members which focuses on building an employee’s ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable.
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

12.9 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

12.10 The Council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

12.11 With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises that are adult-only environments. Children must be protected from being “harmed or exploited by gambling” which in practice means preventing them from taking part in, or being in close proximity to, gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

12.12 Specific measures to prevent this may include:-

- Supervision of entrances
- Segregation of gambling from areas frequented by children
- Supervision of gaming machines in non-adult gambling specific premises
- Gaming machines in betting shops should not be visible from outside the premises

- Enhanced DBS (Disclosure and Barring Service) checks may be required for all applicants in relation to Family Entertainment Centres and declaration from an applicant that he or she has not been convicted of a relevant offence.

These considerations will be particularly relevant on tracks (where children will be permitted in the betting areas on race-days).

- 12.13 Consideration must be given, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling.
- 12.14 The licensing authority recognises Brighton & Hove Children's Services as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to: Head of Safeguarding, Brighton & Hove City Council, Children's Services, Moulsecoomb Hub North, Hodshrove Lane, Brighton, BN2 4SE in its capacity as the responsible authority.
- 12.15 Children are permitted to enter family entertainment centres and may play category D machines.

### 13 Premises Licences

- 13.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.
- 13.2 Premises licences are subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.
- 13.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

#### Definition of “premises”

- 13.4 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 13.5 The Council will take care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not “drift” into a gambling area.
- 13.6 The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or could, be prohibited under the Act.
- 13.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.
- 13.8 The Council is aware that demand issues (eg. 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

Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

13.9 With regard to these objectives, it is the Council's policy, upon receipt of any relevant representations, to look at specific location issues, including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area;
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
- the size of the premises and the nature of the activities taking place;
- any levels of organised crime in the area.

13.10 In order for location to be considered, the Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.

### **Local Risk Assessment**

13.11 From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

13.12 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstance, including those identified in this policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

13.13 Mental health is of particular concern locally. When compared with our benchmark partners Brighton and Hove has the highest percentage of patients with long term mental health problems, and also the highest percentage of patients with depression and anxiety.

13.14 The Council will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation;
- whether the premises is in an area subject to high levels of crime and/or disorder; including known problems in the area such as problems arising from

street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.

- the demographics of the area in relation to vulnerable groups;
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;
- significant presence of young children, both residents and visitors;
- high unemployment area;
- nearby homeless hostels;
- nearby gambling, alcohol, drug or mental health support facility;
- the area has a high number of rough sleepers/homeless people;
- the area has a specific ethnic population;
- pawn broker/pay day loan businesses in the vicinity;
- other gambling premises in the vicinity.
- Factors affecting the footfall.
- The proximity of churches, mosques, temples or any other place of worship

Information around these groups is available in the Local Area Profile (LAP) in section 13.20.

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

13.16 Other matters that the assessment may include:

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

13.17 Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse

the application.

- 13.18 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.
- 13.19 Whilst there is no statutory requirement for licensees to share their risk assessments with responsible authorities or interested parties, the Gambling Commission's Licensing Conditions & Codes of Practice document states that licensees should share their risk assessment with licensing authorities on request as best practice (ordinary code 10.1.2). We therefore consider it appropriate for operators to hold premises risks assessments on premises. Doing so can also save considerable time and expense, as well as increasing the confidence of those agencies as to the operator's awareness of their obligations.

### **Local Area Profile**

- 13.20 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 Council has published a local area profile. This profile, compiled in conjunction with the Public Health Intelligence Team, can be obtained from <http://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling>.
- 13.21 The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, 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.
- 13.22 The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

### **Conditions**

- 13.23 The Council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.
- 13.24 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Council will attach individual conditions to address this.

13.25 Any conditions attached to a licence issued by the Council will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for and/or related to the area where the premises is based
- fairly and reasonably related to the scale, type and location of premises
- consistent with the licensing objectives, and
- reasonable in all other respects.

13.26 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas, etc. There are specific comments made in this regard under each of the licence types in this policy. The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

13.27 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Council may consider licence conditions to cover issues such as:

- proof of age schemes
- use of security to minimise risk of disturbances including CCTV, SIA licensed security presence at the venue.
- supervision of entrances
- supervision of machine areas
- a reduction in the number of betting machines (betting premises)
- the staffing of premises, including restricting single manning operations (no lone working) due to concerns over timely age verification, safety of staff, supervision, ability to comply with company policies on problem gambling, and the ability to provide brief interventions.
- physical separation of areas
- location of entrance points
- notices/signage
- specific opening hours
- a requirement that children must be accompanied by an adult
- enhanced DBS checks of the applicant and/or staff
- support to persons with gambling addiction, including outline the amount and content of gambling harms support advertising that should be in the premises (including local treatment support).
- Provision of leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, and school holidays
- policies to address the problems associated with truant children who may attempt to gain access to premises and gamble



- any one or a combination of the measures as set out in this policy.

13.28 This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

13.29 There are conditions which the Council cannot attach to premises licences which are:

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

### **Door Supervision**

13.30 The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted, though, that the Gambling Act 2005 has amended the Private Security Industry Act 2001, and that the door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises, the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a DBS (Disclosure and Barring Service) check on potential staff and for such personnel to have attended industry recognised training.

## **14 Adult Gaming Centres**

14.1 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises (see Appendix 2).

14.2 As no one under the age of 18 is permitted to enter an Adult Gaming Centre, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, and will expect the applicant to consider their own measures to meet the Licensing Objectives and comply with all mandatory conditions and Gambling Commission Codes of Practice. However, the appropriate measure may cover issues such as:

- CCTV
- Minimum staffing levels
- Induction training for new staff and refresher training for existing staff

- Refusals register
- Proof of age schemes (e.g. Think 21)
- Third party test purchasing
- Location of entry to premises
- Infra Red Beam positioned across the entrance to the premises.

The list, however, is not mandatory, nor exhaustive and applicants are recommended to consider this Licensing Objective very carefully when applying for an Adult Gaming Centre Premises Licence.

Where the Adult Gaming Centre is situated in a complex, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access. In particular, the Licensing Authority will not look favourably on situations where child orientated machines or facilities are sited close to the entrance to an Adult Gaming Centre.

## 15 Licensing family entertainment centres (FECs)

- 15.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.
- 15.2 Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).
- 15.3 Where category C or above machines are available in premises to which children are admitted then the Council will ensure that:
- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose, a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least 1 meter high.
  - Only adults are admitted to the area where the machines (category C) are located
  - Access to the area where the machines are located is supervised at all times
  - The area where the machines are located is arranged so that it can be observed by staff; and
  - At the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 15.4 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 15.5 Children and young persons may enter Licensed FECs but are not permitted to play Category C machines. The Licensing Authority will expect the applicant to ensure that there will be sufficient measures to prevent under 18 year olds having access to

the adult only gaming machine areas. The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. However, appropriate measures may cover issues such as:

- CCTV, specifically sited where the adult machines are likely to be situated
- Controlled supervision of entrance and machine areas
- Physical segregation of machines and areas
- Provision of information leaflets/helpline numbers of organisations such as GamCare
- Minimum staffing levels
- Induction training for new staff and refresher training for existing staff
- Refusals register
- Proof of age schemes (e.g. Think 21)
- Third party test purchasing
- Location of entry to premises
- Infra Red Beam positioned across the entrance to the premises.

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

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

- 15.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Council's Performance and Safeguarding team within Children's Services to determine if their staff need to be DBS checked.

## 16 Casinos

- 16.1 There are four current casino licences in Brighton & Hove, Genting Casino in Preston Street, Grosvenor Seafront Casino and Brighton E Casino in Grand Junction Road and Rendezvous Casino in the Marina which were licensed under the Gaming Act 1968, and which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences. What was the Grosvenor, Fourth Avenue, Hove, Casino licence was moved in 2012 by way of a variation application to the basement of 9 Grand Junction Road and remained dormant until a variation was granted in 2018 to relocate it within the same building and it now operates alongside the Grosvenor Seafront Casino and is known as the Brighton E Casino.
- 16.2 Statement regarding casino resolution – The licensing authority has taken a decision to pass a resolution not to issue new casino licences in Brighton & Hove.

## 17 Bingo Premises

- 17.1 There is no official definition for bingo in the Gambling Act 2005, however, from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize

bingo. In addition, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (see Appendix 1).

- 17.2 The Council is aware that it is important that if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, then the Council will ensure that:
- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose, a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least one meter high
  - Only adults are admitted to the area where the machines are located
  - Access to the area where the machines are located is supervised at all times
  - The area where the machines are located is arranged so that it can be observed by staff
  - At the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
  - Children will not be admitted to bingo premises unless accompanied by an adult.
- 17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operators' Licences. The Council will take this into consideration when determining licence applications for bingo premises.
- 17.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.
- 17.5 The Gambling Commission has issued Codes of Practice relating to Bingo premises and the Licensing Authority expects all applicants to comply with these codes. The Licensing Authority will not look favourably upon an application where an applicant seeks a Bingo Premises Licence with the sole intention of placing Category B2 Gaming Machines only in the premises with no provision for facilities for bingo, as this is not considered to be in the spirit of the Act. This is referred to in more detail in the Gaming Machines section of this Policy Statement. Applicants and premises licence holders are reminded of the Gambling Commission's operator licence conditions requiring that bingo is provided as the primary activity in any premises that hold or apply for bingo premises licence.
- 17.6 Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice and advice issued by the Gambling Commission. High turnover bingo will require a Bingo Operating Licence. Definitions of low and high turnover bingo are available by contacting the Licensing Team or by referring to the Gambling Commission's website.

## 18 Betting Premises

18.1 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises and children will not be permitted entry to a premises with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. In addition, the Licensing Authority recommends that an applicant for gaming machines in such premises, considers carefully the location of betting machines to ensure that they are not in sight of the entrance to the premises.

## **Betting Machines**

18.2 While the Licensing Authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. The Licensing Authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the Licensing Objectives. Where there is such evidence, the Licensing Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter. When considering whether or not to impose such a condition, the Licensing Authority will take into account the following:

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

18.3 The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. In determining whether an application meets the aforementioned criteria, the Licensing Authority may give consideration as to whether appropriate measures are or will be in place to address the matters listed below:

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

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

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

## 19 Tracks

19.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. The Licensing Authority recognise that tracks are different from other premises in that there may be more than one Premises Licence in effect, and that the track operator may not be required to hold an Operator's Licence as there may be several premises licence holders at the track who will need to hold their own operator licences. As children and young persons will be permitted to enter track areas where facilities for betting are provided (e.g. dog racing and/or horse racing), the Licensing Authority will expect premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. The Licensing Authority will expect applicants to consider their own measures to meet the Licensing Objectives, however, appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV
- Door supervisors
- Supervision of entrances/exits/machine areas
- Physical separation of areas
- Notices / signage
- Specific opening hours
- Location of entry and gaming machines
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

- Provide a detailed plan of the grounds, indicating where the betting is to take place and the location of the race track;
- In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facilities;
- Evidence measures taken to ensure the third Licensing Objective will be complied with;
- Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for, that purpose;
- Define the areas of the track that will be used by on-course operators visiting the track on race days;
- Define any temporary structures erected on the track for providing facilities for betting;
- Define the location of any gaming machines (if any).

- 19.3 With regard to gaming machines on tracks, the Licensing Authority will consider carefully the location of any adult gaming machines at tracks to ensure that these machines are in areas from which children are excluded, though it is recognised that children and young persons are not prohibited from playing Category D machines on a track.
- 19.4 Betting and Gaming Machines on Tracks – The Licensing Authority recognises the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines. It is the responsibility of the track operator to ensure compliance with the law in preventing children from using these machines. It is for this reason the Licensing Authority may consider restricting the number and location of machines, however, each application will be considered on its own merit.
- 19.5 Self contained betting offices on Tracks – In general, the rules that apply to betting premises away from tracks will apply to self contained betting premises on tracks and the Licensing Authority will consider future guidance from the Gambling Commission about how such premises should be delineated, both to make it clear to the public that they are entering a “betting office” and to prevent the entry of children and young persons. Applicants are recommended to consider the Gambling Commission’s view that it would be preferable for all self-contained premises operated by off course betting operators on track to be the subjects of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off course betting operator running a self-contained unit on the premises.
- 19.6 On advice from the Gambling Commission, the Licensing Authority may attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office. The Licensing Authority would welcome other suitable methods.

## 20 Travelling Fairs

- 20.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit, provided that certain conditions are met, and this provision continues in similar fashion under the Act.
- 20.2 Travelling fairs have the right to provide an unlimited number of Category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1).
- 20.3 The Council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 20.4 The Council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs

are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses the Council boundary is monitored so that the statutory limits are not exceeded.

## 21 Gaming Machines

- 21.1 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 21.2 Where the Licensing Authority has concerns about the manufacture, supply or repair of a gaming machine, it will bring this to the attention of the Gambling Commission.
- 21.3 The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, Category D machines by children and young persons and their separation from Category C and B machines where those are also located on the same premises.
- 21.4 The Licensing Authority seeks to discourage applications for Premises Licences for the sole purpose of obtaining the ancillary provision of additional gaming machines where the principal activity either does not take place or is minimal. The Licensing Authority believes that the Gambling Act 2005 intended to set restrictions on the number of gaming machines for certain premises and considers that the fact that the licence authorised the holder to provide facilities for betting or bingo means that the operator must provide those facilities to qualify for the ancillary entitlement to gaming machines. Whilst this has not yet been legally contested, the Licensing Authority fully supports this view. The Licensing Authority is aware that the Gambling Commission has amended its operator licence conditions to address the issue of the primary gambling activity.
- 21.5 Brighton & Hove have a long history of providing family type gaming machines, such as penny falls and cranes. Such machines are primarily aimed at children and family type gaming. We recognise that, on the whole, such machines provide a low risk in relation to the licensing objectives. However, as with all gaming machines, such machines must be operated in a fair and open manner and in line with the protection of children from harm licensing objective.
- 21.6 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times. The Licensing Authority has concerns that the use of gaming machines in privacy booths may prevent adequate supervision and protection of vulnerable persons and problem gamblers. The Licensing Authority seeks to discourage the use of privacy screens.
- 21.7 Any non-monetary prizes within such machines must comply with the maximum prize limits laid down in the regulations prescribing gaming machine categories and entitlements. If items such as toy mobile phones (or other similar novelty items) are offered as prizes, then this Authority will expect to see clear signage (displayed on or near the machine in question) indicating that such items are toys / novelty items.



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

## Part D Permits, notices and lottery registrations

### Permits /Temporary & Occasional Use Notice

Note for information: The Gambling Act 2005 introduced a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications. Where a Permit is granted, the Licensing Authority will issue the Permit as soon as is reasonably practicable.

### 22 Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

- 22.1 The term “unlicensed family entertainment centre” is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is “unlicensed” in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a “licensed family entertainment centre” which requires a premises licence because it contains both category C and D gaming machines.
- 22.2 The Licensing Authority must be satisfied that the premises will be used as an unlicensed Family Entertainment Centre and Sussex Police must be consulted on all applications.
- 22.3 When determining a permit, the Licensing Authority will have regard to the Gambling Commission’s Guidance to Licensing Authorities and although not required to, will have regard to the three Licensing Objectives.
- 22.4 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues. An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and the Licensing Authority will expect applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling, which is permissible in unlicensed FECs;
  - That staff are trained to have a full understanding of the maximum stakes and prizes;
  - The applicant’s previous history and experience of running similar premises;
  - Applicants must produce a DBS check dated within one calendar month of the date of the application being submitted to the Licensing Authority. The

Disclosure will reveal the existence and content of any criminal record (not spent under the terms of the Rehabilitation of Offenders Act) held in the name of the applicant.

- 22.5 Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.
- 22.6 When considering any convictions revealed in an application, the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and “spent” convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.
- 22.7 Statement of Principles for Unlicensed Family Entertainment Centres – As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:
- A scaled plan of the premises indicating the location of Category D machines, Automated Teller Machines and any appropriate notices that are to be displayed;
  - The approximate number of Category D machines that will be provided;
  - Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
  - A basic DBS check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current Operators’ Licence issued by the Gambling Commission);
  - Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
  - Training for staff as regards dealing with suspected truant school children on the premises;
  - Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises;
  - The amount of space around gaming machines to prevent jostling of players or intimidation;
  - Details of opening hours;
  - Approximate numbers of staff employed.
- 22.8 Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is a reason for such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations

orally, in writing, or both, and will have a right of appeal against any decision made.

- 22.9 With regard to renewal applications, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.
- 22.10 Where the Permit has been granted, the Licensing Authority will issue the permit as soon as is reasonably practicable, and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed.
- 22.11 The Licensing Authority recommends that applicants for unlicensed FEC Permits consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive, specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

### **23 Gaming Machine Permits in Premises Licensed for the Sale of Alcohol**

- 23.1 With regard to gaming machines on premises that sell alcohol, the applicant is entitled to up to 2 gaming machines of Category C or D machines, subject to the applicant notifying the Licensing Authority, paying the prescribed fee and complying with any relevant Codes of Practice issued by the Gambling Commission.
- 23.2 The Licensing Authority may remove the automatic authorisation if:
- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
  - Provision of the machines is not compliant with the mandatory conditions relating to location and operation of machines;
  - Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act;
  - An offence under the Gambling Act has been committed on the premises; or
  - The premises are mainly used for gaming.
- 23.3 The Licensing Authority will expect the applicant to comply with any Codes of Practice issued by the Gambling Commission and consider such measures to ensure that the under 18s do not have access to the adult only gaming machines. The Licensing Authority recommends considering such measures as:
- The adult machines being sited close to the bar;
  - The adult machines being sited where staff can monitor them;
  - Appropriate notices and signage;
  - Provision of information leaflets/helpline numbers for organisations such as GamCare.
- 23.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued

under Section 25 of the Gambling Act 2005, and “such matters as they think relevant”. This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from 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 gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

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

- 23.5 There is no statutory limit on the number of machines which may be applied for. However, it is the Licensing Authority’s policy that a licensing hearing must consider any application for three or more machines where Officers are of the opinion that the premises is not suitable for the number of machines applied for. It is important to note that the hearing is unlikely to grant a permit for more than six machines and even then six machines will normally only be granted to exceptionally large premises.
- 23.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of machines.
- 23.7 It is recognised that some alcohol-licensed premises may apply for a premises licence or an uFEC permit for their non-alcohol licensed areas. For the room in question to obtain a permit, its predominant use must be that of an amusement arcade. There must also be some form of acceptable delineation, which indicates that the alcohol area and family entertainment centre are two separate premises.
- 23.8 Gaming in alcohol-licensed premises – The Licensing Authority recognises that low level gaming may take place in alcohol-licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. A nominated gaming supervisor should therefore supervise gaming in alcohol-licensed premises, (i.e. the Designated Premises Supervisor (DPS)) and all gaming should comply with Codes of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Licensing Authority expects the applicant to be aware of, and adopt, these Codes of Practice and to ensure that all gaming in such premises is suitably managed.

## **24 Prize Gaming Permits**

- 24.1 Prize Gaming Permits must be obtained where a Casino or Bingo Operating Licence is not in effect. However, a casino is not entitled to provide bingo without a Prize

Gaming Permit. As children and young persons may participate in equal chance prize gaming, and given that the premises will particularly appeal to children and young persons, the Licensing Authority has prepared a Statement of Principles that it proposes to apply in exercising its functions which specifies matters that the Licensing Authority propose to consider in determining the suitability of an applicant for a Prize Gaming Permit.

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

- A scaled plan of the premises indicating the location of the machines, other prize gaming facilities, etc., and any appropriate notices that are to be displayed;
- Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
- Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
- A basic DBS check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current Operator's Licence issued by the Gambling Commission);
- Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
- Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises;
- The amount of space around gaming machines to prevent jostling of players or intimidation;
- Details of opening hours;
- Approximate numbers of staff employed.

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

24.4 When considering any convictions revealed in an application, the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place, and any other factors which may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and "spent" convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.

24.5 In making its decision on a application for this permit, the Licensing Authority does not need to have regard to the Licensing Objectives and will take into account, after consultation, any objections that the Police may wish to make, whether relevant to

the Licensing Objectives. The grounds for decision-making as regards renewals are the same as for initial applications.

- 24.6 Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it, stating the reasons and offering the applicant an opportunity to make representations orally, in writing, or both.
- 24.7 Where an application is granted, the Licensing Authority will issue it as soon as is reasonably practicable.
- 24.8 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling, but includes wider child protection considerations.

## **25 Club Gaming and Club Machine Permits**

- 25.1 Members' clubs and miners' welfare institutes may apply for a "club gaming permit" or a "club machine permit". The "club gaming permit" will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming, i.e. poker, bingo, etc. A "club machine permit" will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a "club machine permit" only.
- 25.2 To qualify for these special club permits, a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 25.3 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that any under 18 year olds do not use the adult only gaming machines. These measures may include:
- The machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised;
  - Notices and signage;
  - The provision of information leaflets/helpline numbers for organisations such as GamCare.
- 25.4 Before granting the permit, the Council will need to satisfy itself that the premises meets the requirements of a members' club, and that the majority of members are over 18.
- 25.5 The Council may only refuse an application on the grounds that:
- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
  - The applicant's premises are used wholly or mainly by children and/or young persons;

- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- A permit held by the applicant has been cancelled in the previous ten years;
- An objection has been lodged by the Commission or the police.

- 25.6 There is also a “fast-track” procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure, there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:
- That the club is established primarily for gaming;
  - That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

## 26 Temporary Use Notices

- 26.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 months period for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 26.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 26.3 Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 26.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 26.5 The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes “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 Council will look at, amongst other things, the ownership/ occupation and control of the premises. The Council will be ready to 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.

## 27 Occasional Use Notices (for tracks)

- 27.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing to the Council by the person responsible for the administration of the events on a track, or by an occupier of the track.
- 27.2 The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will, however, consider the definition of a “track” and whether the applicant is entitled to benefit from such notice.

## 28 Small Society Lottery Registrations

- 28.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 28.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensing lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries, there are four sub-classes, one of which is small society lotteries.
- 28.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in Brighton & Hove and want to run such lottery.
- 28.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 28.5 To be “non-commercial” a society must be established and conducted:
- For charitable purposes;
  - For the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
  - For any other non-commercial purpose other than that of private gain.
- 28.6 The other types of exempt lotteries are “incidental non-commercial lotteries”, “private lotteries” and “customer lotteries”. If you require guidance on the different categories of lotteries, please contact the Council’s Licensing Team.
- 28.7 The National Lottery is not licensed by the Gambling Act 2005, and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

### 28.8 Small Society Lotteries

The Licensing Authority registers and deals with small society lotteries. Promoting or facilitating a lottery falls within one of the following categories:



- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
  - Small Society Lotteries (registered with the Licensing Authority); and
  - Exempt Lotteries.
- 28.9 Lotteries permitted to be conducted without a licence from the Gambling Commission and these are:
- Small Society Lotteries (registered with the Licensing Authority);
  - Incidental Non-Commercial Lotteries;
  - Private Lotteries: (Private Society Lottery, Work Lottery, Residents' Lottery);
  - Customer Lotteries.
- 28.10 Societies may organise lotteries if they are licensed by the Gambling Commission, registered with the Licensing Authority or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits are available by contacting the Licensing Team.
- 28.11 Applicants for lottery licences must apply to the Licensing Authority in the area where the principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area, it will inform the Society as soon as possible, and where possible, will inform the other Licensing Authority.
- 28.12 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration.
- 28.13 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society and in particular may require a copy of the society's constitution.
- 28.14 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.
- 28.15 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled, to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 28.16 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all small society lotteries it registers:

- Tickets should not be sold in a street – street includes any bridge, road, land, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
- Tickets may be sold from a kiosk, in a shop or door-to-door.

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

## Part E Enforcement

### 29 Enforcement Principles

- 29.1 The Council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.
- 29.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council will endeavour to be:

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

- 29.3 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 29.4 Where there is a Primary Authority scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy, there were four Primary Authority arrangements with host local authorities:

Coral/Ladbrokes	Milton Keynes
Welcome Break	Milton Keynes
BACTA	Reading
MOTO	Reading
Paddy Power	Reading
William Hill	Reading
Rank Group	City of Westminster

- 29.5 Further information, including an index of all Primary Authority arrangements, can be found at [Primary Authority Register \(beis.gov.uk\)](http://beis.gov.uk)
- 29.6 The Council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 29.7 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005, will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council, but will be notified to the Gambling Commission. In circumstances where the Council believes a premises requires a premises licence for gambling activities and no such licence is in force, the Council will alert the Gambling Commission.
- 29.8 The Council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 29.9 The Council's enforcement/compliance protocols/written agreements will be available upon request.

### 30 Reviews

- 30.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may be amended or new conditions added.
- 30.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is:
- In accordance with any relevant code of practice issued by the Gambling Commission;
  - In accordance with any relevant guidance issued by the Gambling Commission;
  - Reasonably consistent with the licensing objectives; and
  - In accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

In addition, the Council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

30.3 The Council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## 31 Test Purchasing

31.1 This Authority will undertake covert test purchasing exercises in order to check compliance with the requirement that under-18s do not access “adult only” gambling facilities. This exercise is in response to concerns about underage gambling vulnerabilities in particular sub-sectors of the gambling industry. Under the terms of the Gambling Commission’s Licence Conditions and Codes of Practice, operators must monitor the effectiveness of their policies and procedures for preventing underage access to gambling premises and products. At the time of the drafting of this policy, certain sub-sectors of the gambling industry had not provided the Gambling Commission with any assurances that this was happening. Those sub-sectors are, broadly, the small and medium-sized Betting Premises, Adult Gaming Centres and Family Entertainment Centres.

31.2 Both this Authority and the Gambling Commission have particular concerns with regards to access to adult only gaming machines, which may be accessible without any interaction between the player and a member of staff. With this in mind, this Authority will continue with its policy of targeted test purchasing exercises.

31.3 Those premises that fail a test purchase will be asked to address the weaknesses in their underage gambling procedures shown by this test and submit improvement plans, and in appropriate cases, enforcement action will be taken. There are a number of steps which this Authority would recommend to operators in order to prevent underage access and monitor the effectiveness of their policies, including:

- Re-positioning of machines and change of layout
- Infra red security beam to alert staff to presence of customers in age-restricted areas and maglocks to restrict access
- Maintenance of a Refusal Register
- Independent test purchasing
- Upgrade CCTV
- Induction and refresher training for staff
- Challenge 25
- Signage and Prominent GamCare Documentation
- Minimum levels of supervision.

## Contact Details, Advice and Guidance

Further details for applicants about the gambling and application process, including application forms, can be found:

- By contacting the Licensing Team at: Bartholomew House, Bartholomew Square, Brighton, BN1 1JP. Tel. 01273 294429, E-mail [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), or via Customer Services Contact Centre.
- [Licensing and gambling \(brighton-hove.gov.uk\)](http://licensing-and-gambling.brighton-hove.gov.uk) scroll down to 'Gambling Licences' Section.
- Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP
- Police Licensing Unit, Police Station, John Street, Brighton, BN2 2LA.  
Tel: 101
- Fire Authority, East Sussex Fire and Rescue Service, Brighton & Hove Fire Safety Office, Hove Fire Station, English Close, Hove, BN3 7EE. Tel: 01323 462130
- Planning, Development Control, Hove Town Hall, Norton Road, Hove, BN3 1PT.  
Tel: 01273 290000
- Environmental Health, Environmental Protection Team, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP. Tel: 01273 290000
- Child protection – Head of Safeguarding, Brighton & Hove City Council, Children's Services, Moulsecoomb Hub North, Hodshrove Lane, Brighton, BN2 4SE.
- HM Revenue and Customs, Excise Processing Teams, BX9 1GL, United Kingdom. Contact telephone number is now 0300 322 7072 Option 7. Email address: [NRUBetting&Gaming@hmrc.gov.uk](mailto:NRUBetting&Gaming@hmrc.gov.uk)

## Appendix 1 Glossary of terms

<b>Term</b>	<b>Description</b>
ATM	Auto teller machine or cash machine
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not, and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a “book” is the act of quoting odds and accepting bets on an event. Hence the term “Bookmaker”.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack, etc.
Chip	Casinos in the UK require you use chips to denote money. They are usually purchased and exchanged at a cashier’s booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine.
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 condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not “gaming” see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. 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	Gaming can be defined as “the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not”.
Gaming Machine	Any type of machine allowing any sort of gambling activity, including betting on virtual events but not including home computers even though users can access online gaming websites.

<b>Term</b>	<b>Description</b>
Licensing Objectives	<p>The Licensing Objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• Ensuring that gambling is conducted in a fair and open way</li> <li>• Protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The Council will have no discretion to alter or remove these conditions.</p>
Money Prize Machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>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:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> </ul>
Odds	<p>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 received £3 of winnings.</p>
Off-course betting operator	<p>Off-course betting operators may, in addition to premises away from the track, operate self contained betting premises within a</p>

	track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence, such premises operate like a traditional high street bookmakers. They will, however, only normally operate on race days.
<b>Term</b>	<b>Description</b>
On-course betting operator	The on-course betting operator is one who comes onto a track temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: <ul style="list-style-type: none"> <li>• Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting;</li> <li>• Shall be divided among the winners; or</li> <li>• Shall or may be something other than money.</li> </ul> For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations of 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 authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act, or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
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.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.



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.
Statement of principles document	A document prepared by the Council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	“Tote” is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

## Appendix 2 Gaming Machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. This table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
B2	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)

D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)
--	-----	---

---

1 The category B2 is not actually a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a new type of gaming machine which generally appear in licensed bookmakers. 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.

Table 2

Premises Type	Machine category							
	A	B1	B2	B3	B4	C	D	
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks operated by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo Premises <sup>1</sup>					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*	No limit C or D machines		
Adult gaming centre <sup>2</sup>					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*	No limit C or D machines		
Licensed family entertainment centre <sup>3</sup>							No limit C or D machines	
Family entertainment centre (with permit)							No limit on category D machines	
Clubs or miners' welfare institutes with permits <sup>4</sup>					Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol licensed premises							1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with licensed premises gaming machine permit						Number of category C-D machines as specified on permit		
Travelling fair						No limit on category D machines		
	A	B1	B2	B3	B4	C	D	

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premise. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A.
2. Adult gaming centres are entitled to make available for use a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13<sup>th</sup> July 2011, they are entitled to make available four Category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.
3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
4. Members' clubs and miners' welfare institutes with a club gaming permit, or with a club machine permit, are entitled to site a total of three machines in categories B3A to D, but only one B3A machine can be sited as part of this entitlement.
5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

## Appendix 3 Summary of Gaming Entitlements for Clubs and Pubs

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Cribbage &amp; dominoes</u> No limit  <u>Poker</u> £100 per premises per day  <u>Other gaming</u> £5 per person per game
<b>Limits on prizes</b>	No limit	No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £100 per game  <u>Other gaming</u> No limit
<b>Maximum participation fees – per person per day</b>	<u>Bridge and/or whist*</u> £20  <u>Other gaming</u> £3	£18 (without club gaming permit)  £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £3 (commercial club) £1 (members club)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided

**Produced by**

Licensing Team  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton and Hove BN1 1JP

Tel: 01273 294429

Email: [Ehl.safety@brighton-hove.gov.uk](mailto:Ehl.safety@brighton-hove.gov.uk)

Web: <http://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling> Scroll down to 'Gambling Licences'

<b>Subject:</b>	<b>Future Arrangements for Licensing Panel Hearings</b>		
<b>Date of Meeting:</b>	<b>Licensing Committee (Licensing Act 2003 Functions)</b>		
<b>Report of:</b>	<b>Executive Lead Strategy Governance and Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Rebecca Sidell</b>	<b>Tel: 01273 291511</b>
	<b>Email:</b>	<b>Rebecca.sidell@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The report sets out the position in relation to the powers of the Licensing Committee to make its own arrangements in relation to the conduct of Licensing Panels convened under the Licensing Act 2003 (Licensing Panels).
- 1.2 The report proposes that members delegate authority to senior officers after consultation with lead members to determine the future conduct of Licensing Panels after the end of July 2021 until review at the next committee in October 2021. The intention is to build flexibility into the arrangements and be able to respond to the latest public health and government advice.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee delegate authority to the Executive lead for Strategy Governance and Law after consultation with the Chair and group spokespersons to determine arrangements for Licensing Panel hearings from the 1<sup>st</sup> August 2021 until the next Licensing Committee in October 2021.
- 2.2 That the Committee recommends that in exercising this authority the above officer takes into account all relevant factors including latest public health and government guidance and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Following the outbreak of the Covid-19 pandemic the Government enabled local authorities to hold 'virtual' meetings under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Amendment) Regulations 2020 ('the Regulations'). These Regulations expired on the 7<sup>th</sup> May 2021 and a recent Court decision confirmed that the Council must run those of its meetings which are governed by the Local Government Act 1972 with members and the public in attendance at a physical meeting.

- 3.2 However, Licensing Panels are established under different legislation (the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.) This means that Licensing Committees are empowered to regulate their own procedures and those of its sub-committees (the Licensing Panels).
- 3.3 An urgency sub-committee of the Licensing (Licensing Act 2003 functions) Committee decided on the 7<sup>th</sup> May 2021 that Licensing Panels should continue to meet remotely until the end of July 2021.
- 3.4 In terms of future procedure for the Licensing Panels after the end of July, it may be considered more appropriate to move away from a fully remote procedure to a more hybrid one where the panel members and key officers for example are in physical attendance at the hearing but parties may still be given the option to attend remotely. A similar procedure is currently in place for planning meetings. There may be some types of panels, for example reviews, where it is considered preferable for all the parties to be physically present in the room and that in such cases remote attendance should be limited to exceptional circumstances only. In an application where there are many representations it may be preferable for parties to attend remotely especially if there are still concerns about face to face meetings and social distancing. The views of the Committee are sought in relation to all such scenarios.
- 3.5 Before the end of July 2021 the Council as a whole will have reviewed the options for conduct of meetings in light of the latest public health advice and the national picture. It is proposed that members give authority to senior officers to make appropriate procedural adjustments for licensing panels in the light of national developments, and in response to appropriate advice, the views expressed by members and the Council's meeting preferences as a whole.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Delegation to officers avoids the need to convene further urgent committee meetings and enables a flexible response to changing national or local conditions.
- 4.2 The delegation is only temporary and will be reviewed at the next full licensing committee in October 2021.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 These are regulatory hearings and the proceedings must give all parties the ability to participate as appropriate and enable the press and public to see and hear them.

#### **6. CONCLUSION**

- 6.1 The Licensing Committee is empowered to determine procedures for its sub-committees (licensing panels) and is able to delegate this function, after appropriate consultation, to senior officers for a temporary period in the interests of effective and flexible decision making.



## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications: there

- 7.1 There are no additional financial implications arising from this report

Finance Officer Consulted: Jeff Coates

Date: 05/05/21

### Legal Implications:

- 7.1 The Licensing Committee can determine its own procedures for its sub-committees (hearing panels) pursuant to s 9 Licensing Act 2003. There is no reason under the Licensing Act (see Section 10) why such determination cannot be delegated to officers in an appropriate manner as outlined in the report. Arguably each licensing panel could determine its own procedure at the outset but this is not practical given the need for advance notifications under the Hearings Regulations.

*Lawyer Consulted: Elizabeth Culbert*

*Date: 020621*

### Equalities Implications:

- 7.2 The Council has a public sector equality duty under s149 of the Equality Act 2010. In the exercise of its functions the Council must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those that do not. Decisions as to procedures will always take this into account.

### Sustainability Implications:

- 7.3 No direct sustainability implications.

### Public Health Implications:

- 7.4 Any decision to move to more face to face meetings will be informed by the latest public health guidance.



**LICENSING COMMITTEE  
(LICENSING ACT 2003  
FUNCTIONS)**

**Agenda Item 10**

Brighton & Hove City Council

**Schedule of Licensing Appeals: Date of Meeting: 24<sup>th</sup> June 2021**

<b>Premises</b>	<b>Appellant</b>	<b>PTR</b>	<b>Hearing</b>	<b>Outcome</b>
Saltdean News, 27 – 29 Longridge Avenue, Saltdean	Licence holder appeal against revocation of licence on review			
Tivoli Food & Wine, 2 Tivoli Crescent, Brighton	Licence holder appeal against revocation of licence on review			
Churchill Supermarket Unit 1 And 1A 8 Air Street Brighton BN1 3FB	Licence holder Appeal against revocation of licence on review			



**LICENSING COMMITTEE  
(LICENSING ACT 2003  
FUNCTIONS)**

**Agenda Item 11**

Brighton & Hove City Council

**Schedule of Licensing Appeals: Date of Meeting: 24<sup>th</sup> June 2021**

<b>Premises</b>	<b>Brought by:</b>
Churchill Supermarket Unit 1 And 1A 8 Air Street Brighton BN1 3FB	<b>Application for the review of a premises licence under the Licensing Act 2003 - Brought by the Police 11<sup>th</sup> June 2021 (Prevention of crime &amp; disorder)</b>

