



REPORT FROM THE LICENSING COMMITTEE

1 REVIEW OF THE COUNCIL'S GAMBLING LICENSING POLICY STATEMENT

- 1.1 This item of business was considered by the Licensing Committee at its meeting on 14 November 2024 with a recommendation for Council to approve the Council's Gambling Licensing Policy Statement. The report that was considered by the Committee is attached at Appendix A. **Appendix 2** sets out the Gambling Licensing Policy Statement.

2 SUMMARY

- 2.1 At a meeting held on 14 November 2024, the Licensing Committee was advised that, following public consultation on the Council's draft Gambling Licensing Policy Statement held during the period 18 July to 9 September 2024 no public consultation responses were received.

3 DISCUSSION

- 3.1 The Committee commended the Policy Statement to Council for its approval and this is set out in Appendix 2.

4 RECOMMENDATION

- 4.1 It is proposed that Council **RESOLVES**

- (1) To approve the Council's Gambling Licensing Policy Statement, set out in Appendix 2.



REVIEW OF THE COUNCIL'S STATEMENT OF GAMBLING LICENSING POLICY

1 PURPOSE OF REPORT

- 1.1 On 11 July 2024 the Licensing Committee considered the report seeking approval of a draft revised Statement of Gambling Licensing Policy for formal public consultation.
- 1.2 The following was agreed:
 - (1) To approve the draft revised Gambling Licensing Policy Statement 2025- 2028 document, as set out in Appendix 1 to the report.
 - (2) To approve that public consultation commence, in accordance with the timetable set out in paragraph 4.2 of the report.
- 1.3 Public consultation, to include all statutory parties, took place during the period 18 July to 9 September 2024 following which a final policy would then be brought back to the Licensing Committee for consideration prior to being considered by Full Council in December.
- 1.4 The results of the public consultation can be found at **Appendix 1** to this report.
- 1.5 The Gambling Licensing Policy Statement did not need to be amended to take account of comments made and is attached at **Appendix 2**.

2 LINKS TO COUNCIL'S PRIORITIES AND OBJECTIVES

- 2.1 The Statement of Gambling Licensing Policy links to the Council's objectives of Economy and Growth, People, Place and Community. It provides a vision for the local area and guides practice in managing licences by outlining the intent and considerations for licensing functions, ensuring fairness, consistency and efficient administration. It also protects businesses, residents and other users from an excessive proliferation of licensed venues.

It plays a fundamental role in shaping the community, supporting businesses and managing challenges related to alcohol consumption and crime.

3 INTRODUCTION

3.1 The Council is legally required to review the policy on a prescribed 3 yearly cycle and thus the Council must undertake the review process and publish its Gambling Licensing Policy Statement before 31 January 2025.

3.2 The aim of the policy is to promote the licensing objectives contained within the act:

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

3.3 There are prescribed procedures that the Council must undertake before the policy statement can take effect. This involves making the policy statement publicly available for consultation by a variety of means for a period of at least eight weeks.

3.4 The policy statement must be adopted by Full Council; this function cannot be delegated to either the Licensing Committee or Cabinet. The proposed policy statement must therefore be presented to Council on 11 December 2024 to allow sufficient time for the necessary publication to take place prior to 31 January 2025.

3.5 There are likely to be further legislative changes to the Gambling Act 2005 but any statutory changes will be considered as and when these come into force.

4 REASONS FOR DECISION

4.1 To enable the Council to comply with its statutory duty under Section 349 of The Gambling Act 2005, to undertake consultation and prepare and publish a policy.

5 OPTIONS

5.1 The Council must comply with the legislation and adopt a Statement of Gambling Policy. Failure to adopt a policy will leave the Council at risk of legal challenge. To ensure legal compliance there are no alternative options.

6 CRIME AND DISORDER IMPLICATIONS

6.1 There are three licensing objectives set out under the Act which the local

authority must promote when carrying out its regulatory role. The first of the objectives is ‘preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime’.

7 FINANCIAL IMPLICATIONS

- 7.1 Licensing income arising from gambling activities has averaged £11,000 over the last 5 years. There are no changes within the policy which are expected to impact this, either favourably or adversely.

8 LEGAL IMPLICATIONS

- 8.1 The Council has a statutory duty under section 349 of the Gambling Act 2005 to review the Gambling Policy Statement and publish in accordance with the statutory deadline. The policy reflects the current guidance and regulations issued by the Gambling Commission.

9 EQUALITY AND DIVERSITY IMPLICATIONS

- 9.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

Appendices

Appendix 1: Public Consultation Results

Appendix 2: Final Gambling Licensing Policy Statement 2025- 2028.

Appendix 1

Gambling Policy Consultation

Under Section 149 of the Gambling Act 2005 the licensing authority must review the Statement of Gambling Policy every 3 years and Castle Point Borough Council is currently reviewing its Gambling Policy Statement.

There are prescribed procedures that the Council must undertake before the policy statement can take effect. This involves making the policy statement publicly available for consultation by a variety of means. The Council undertook a consultation exercise on the draft policy from 18th July 2024 to 9th September 2024.

The consultation took the form of a series of 9 questions and was promoted by publication on the council website, e-mailed directly to the statutory consultees, e-mailed directly to gambling premises that hold licences with the Council and with the Councillor e-briefing. The consultation took place using an online consultation portal but paper questionnaires could be requested.

The questions are listed below with the responses received.

<https://consultation.castlepoint.gov.uk/planning/gambling-policy-consultation>

Responses to this survey: **3**

1: Do you represent an organisation or company?

Please give details:

There were 3 responses to this part of the question:

- The Bingo Association
- Licensing Department (Alcohol & Gambling), Essex Police
- An individual

2: Are there any parts of the policy which you think should be deleted?

Please identify using section or paragraph numbers and give your reasons:

There was 1 response to this part of the question and the answer was no.

3: Are there any parts of the policy which you think should be changed?

Please identify using section or paragraph numbers and give your reasons:

There was 1 response to this part of the question and the answer was no.

4: Is there anything which you think should be added?

If so please give details and identify where it should be added:

There was 1 response to this part of the question and the answer was no.

5: Do you have any other comments or observations in relation to the policy?

Comments/Observations:

There were 2 responses to this part of the question:

- An individual - My only comment is to have a presumption to reject applications for betting premises. Whilst I am not sure about how it can be enacted but in my personal view betting premises of any description are not conducive to either the health (mental) or general wellbeing of any community. Betting in all its forms has become a serious threat to the population and granting of planning approval should be resisted whenever possible.
- The Bingo Association - 10.2 We are the trade association for the land-based bingo industry and as such we should be on your list of consultees per the Gambling Commission's Guidance to Local Authorities (section 8.16). We did not, however, receive a copy of the consultation. Could you please ensure we are added?

Neither of these comments result in any changes to the policy.

6: What is your name?

Name

There were 3 responses to this part of the question.

7: What is your email address?

Email

There were 3 responses to this part of the question.

8: What is your organisation?

Organisation

There were 2 responses to this part of the question.

- The Bingo Association
- Licensing Department (Alcohol & Gambling), Essex Police

9: Do you have a licence issued under this legislation?

License holder?

There were 3 responses to this part of the question and none hold a licence under this legislation.

If you have answered Yes, please state the type of licence and details:

There were 0 responses to this part of the question.



Gambling Licensing Policy Statement

2025-2028

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Part A

1.0 Introduction

1.1 This statement of Licensing Policy sets out the principles by which Castle Point Borough Council as the Licensing Authority under the Gambling Act 2005 (referred to in this document as ‘the Act’), intends to apply in discharging its functions to license premises for gambling under the Act as well as:

- Designating the body responsible for advising the Authority on the protection of children from harm.
- Determining whether or not a person is an “Interested Party”.
- Exchanging information with the Gambling Commission and others; and
- Inspecting premises and instituting court proceedings for offences committed under the Act.

2.0 The Licensing Objectives

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

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

3.0 Description of the Borough

3.1 Castle Point Borough Council is situated on the coastline of south-east Essex on the northern side of the Thames estuary and has an area of 17.3 square miles and a population of approximately 89,700 people.

There are few major concentrations of premises in the Borough providing facilities for betting and gambling. Those premises are mainly made up of pubs, clubs, betting shops, family entertainment centres, adult entertainment centres, amusement arcades and bingo halls. There are also a number of registered society lotteries.



4.0 Responsibilities under the Act

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

4.2 Castle Point Borough Council is the Licensing Authority for the area shown on the map (outlined and shaded in red) whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003.

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

- Operate a casino.
- Provide facilities for playing bingo or for pool betting.
- Provide betting or act as intermediaries for betting.
- Make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres.
- Manufacture, supply, install, adapt, maintain, or repair gaming machines.
- Manufacture, supply, install or adapt gambling machine software; or
- Promote a lottery.

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

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

- a) in accordance with any relevant Code of Practice under Section 24 of the Act;

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

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

5.0 Statement of Gambling Policy

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

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

5.3 This policy takes effect from 31st January 2025 and replaces the policy previously in force.

6.0 Consultation

6.1 In producing this policy the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals.

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

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

6.3 The other Groups and people consulted included:

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

6.4 Consultation took place between 18th July 2024 and 9th September 2024.

7.0 Approval of Policy

7.1 This policy was approved at a meeting of the full council on 11th December 2024 and was published via its website shortly afterwards.

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

8.0 Declaration

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

8.2 The Council recognises its responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Council's "Policy Statement on Inclusion & Diversity".

9.0 Responsible Authorities

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

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

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

9.3 In accordance with the Gambling Commission's Guidance to Local Authorities the Licensing Authority designates the Essex County Council Childrens and Adults Safeguarding Service for this purpose.

10.0 Interested Parties

10.1 Interested parties can make representations about licensing applications or apply for a review of an existing licence. An interested party is defined in the Act as follows:

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

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

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

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

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

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

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

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

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

- It is not frivolous or vexatious
- It raises issues that relate to the Guidance issued by the Gambling Commission
- It raises issues that relate to this policy
- It relates to the Licensing Objectives.

11.0 Exchange of Information

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

- The provisions of the Act, which include the provision that the Data Protection legislation will not be contravened;
- The guidance issued by the Gambling Commission;
- Relevant legislation and regulations.

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

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

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

12.0 Public Register

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

13.0 Compliance and Enforcement

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

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

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is possible and adopt a risk based inspection programme. All enforcement action is taken having regard to the Licensing Enforcement Policy.

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. Concerns about the manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but will be notified to the Gambling Commission.

13.4 The Licensing Authority will keep itself informed of developments as regard to the Department for Business, Energy and Industrial Strategy in its consideration of the regulatory functions of Local Authorities and will have regard to best practice.

13.5 Where appropriate, complaints will be investigated in accordance with the approach outlined in the Licensing Enforcement Policy which is available on the Council's website. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.

13.6 As part of its ongoing inspection regime the Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. Where operators carry out their own test purchasing, the Licensing Authority expect to be advised of the results. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.

13.7 Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by the scheme.

Part B – Premises Licences

14.0 General Principles

14.1 Premises Licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions detailed in regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is thought appropriate.

14.2 In accordance with section 150 of the Gambling Act, Premises Licences can authorise the provision of facilities on:

- Casino premises;
- Bingo premises;
- Betting premises, including tracks and premises used by betting intermediaries;
- Adult gaming centre premises (for category B3, B4, C and D machines);
- Family entertainment centre premises (for category C and D machines) (note that separate to this category the Licensing Authority may issue a family entertainment centre gaming machine permit which authorises the use of category D machines only).

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

14.4 The Licensing Authority is required by the Gambling Act, in making decisions about premises licences, to permit the use of premises for gambling so far as it thinks fit:

- In accordance with any relevant codes of practice under section 24 of the Act;
- In accordance with any relevant guidance issued by the Gambling Commission under section 25;
- To be reasonably consistent with the Licensing Objectives, subject to paragraphs a) and b) and;
- In accordance with the Licensing Authority's Statement of Licensing Policy, subject to paragraphs a) and c).

15.0 Definition of Premises

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

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

16.0 Demand

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

17.0 Location

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

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

17.2 In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the Licensing Objectives. It is a requirement of the Gambling Commission's Licence Conditions and Code of Practice (LCCP) under section 10 that licensees assess the local risks to the Licensing Objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessment, licensees must consider relevant matters identified in this policy.

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

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

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

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

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

17.6 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 managing 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 underage persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisement not to entice passers-by, etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a Betting Premises Licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines.

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

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

17.8 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.

18.0 Duplication with other Regulatory Regimes

Duplication with other statutory/regulatory regimes will be avoided where possible. The Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building control consent.

19.0 Licensing Objectives

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

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

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

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

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

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

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way.

However, the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licensing Conditions and Code of Practice.

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

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

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol, or drugs.

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

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

20.0 Conditions and Plans

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

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

- Relevant to the need to make the proposed premises suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

20.3 In addition, the Licensing Authority will examine how applicants propose to address the Licensing Objectives. In considering applications the Licensing Authority will particularly consider the following, if deemed appropriate:

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

20.4 It is recognised that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:

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

21.0 Credit

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

22.0 Betting Machines [a machine designed or adapted for use to bet on future real events (not a gaming machine)]

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

22.2 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall consider:

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

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

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

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

23.0 Provisional Statements

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

- Expects to be constructed;
- Expects to be altered; or

- Expects to acquire a right to occupy.

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

24.0 Reviews

24.1 Applications for a review of a premises licence may be made by responsible authorities and interested parties.

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

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

24.3 In accordance with the Guidance, the licensing Authority can also initiate a review of the Licence on the basis of any reason which it thinks appropriate.

25.0 Adult Gaming Centres

25.1 An Adult Gaming Centre is defined as a premises in respect of which an Adult Gaming Centre Premises Licence has effect. Entry to these premises is age restricted.

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

26.0 Licensed Family Entertainment Centre

26.1 There are two types of Family Entertainment Centre (FEC):

- A licensed FEC (i.e., one with a Premises Licence) has no limit on the number of category C or D machines permitted and
- An unlicensed FEC (i.e., one with a Permit) has no limit on the number of category D machines permitted.

26.2 Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

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

27.0 Casinos

27.1 A casino is defined as an arrangement whereby people are given an opportunity to participate in one or more casino games. Entry to these premises is age restricted.

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

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

28.0 Bingo Premises

28.1 A Bingo Premises is not given a statutory definition in the Act other than that it means any version of the game irrespective of by what name it is described. It is to have its ordinary and natural meaning. Two types of bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won;
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

28.2 Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

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

29.0 Betting Premises

29.1 Betting is defined as making or accepting a bet on:

- (a) the outcome of a race, competition, or other event or process;
- (b) the likelihood of anything occurring or not occurring; or
- (c) whether anything is or is not true.

29.2 Entry to these premises is age restricted.

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

29.4 B2 & B3 Machines

In respect of nationally expressed concerns that exist in relation to the potentially adverse impact of B2 (often called Fixed Odds Betting Terminals or FOBT's) and B3 machines on vulnerable groups of adults. The licensing Authority will give due consideration to the need to apply conditions to betting shop premises including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

29.5 The Licensing Authority expects B2 & B3 machines to be positioned in such a way that they can appropriately be monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially code 9.11.1. Where an existing licensee adds 'privacy screens' a variation application will be required.

30.0 Tracks

30.1 A track is defined as a site where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.

30.2 Entry to these premises is generally age restricted. Please refer to the Gambling Commission Guidance.

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

31.0 Travelling Fairs

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

Part C – Permits/Temporary or Occasional Use Notices/Registrations

32.0 General Principles

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

33.0 Unlicensed Family Entertainment Centre Gaming Machine Permits

33.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

33.2 The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority.

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

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

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

34.0 (Alcohol) Licensed Premises Gaming Machine Permits

34.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of Categories C and/or D via a notification to the Licensing Authority.

34.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

34.3 Premises restricted to selling alcohol only with food, will not be able to have gaming machines or apply for a permit.

34.4 Where an application for more than two gaming machines is received the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:

- Adult machines being in sight of the bar; or in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage;
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/help line numbers for organisations such as Gamcare; and
- Relevant Codes of Practice issued by the Gambling Commission.

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

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

35.0 Prize Gaming Machine Permits

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

- A basic Disclosure and Barring Service check or equivalent criminal record check for the applicant and the person having the day to day control of the premises;
- Proof of age schemes;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises; and
- Training covering how staff would deal with:
 - Unsupervised, very young children being on the premises;

- Children causing perceived problems on/around the premises; and
- Suspected truant children.

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

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

36.0 Club Gaming and Club Machine Permits

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

36.2 Commercial Clubs may apply for a club machine permit, subject to restrictions.

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

(a) in respect of gaming machines:

- No child or young person may use a category B or C machine on the premises;
- That the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.

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

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

Part D – Occasional and Temporary Permissions

37.0 Temporary Use Notices (TUN)

37.1 A TUN is defined as a notice to allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

37.2 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a TUN can only be used for equal chance gaming.

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

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

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

38.0 Occasional Use Notices (OUN)

38.1 An OUN may permit betting on a ‘track’ without the need for a full premises licence.

38.2 The Licensing Authority has very little discretion as regards these Notices aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

38.3 The Licensing Authority will however consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

39.0 Small Society Lotteries

39.1 A small Society Lottery is defined as a lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes and these require registration with the Licensing Authority.

40.0 Delegation of Powers

The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act which can be found at ‘Appendix A – Gambling Act 2005’

(pages 198-199) of the Castle Point Borough Council Constitution on the website:
<https://www.castlepoint.gov.uk/download/castle-point-constitution-20242025.pdf?ver=13634>

41.0 Useful Contacts

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

Appendix A

Responsible Authorities

The Licensing Authority

Castle Point Borough Council
Council Offices
Kiln Road
Benfleet
Essex, SS7 1TF
Phone: 01268 882200
licensing@castlepoint.gov.uk

Essex Police

The Licensing Department (Alcohol & Gambling)
Blythes Meadow
Braintree
Essex, CM7 3DJ
Phone: 01245 452035
Licensing.applications@essex.police.uk

Essex County Fire & Rescue Service

Rayleigh Weir Community Fire Station
500 Rayleigh Road
Benfleet
Essex, SS7 3TR
Phone: 01376 576500
eastareacommand@essex-fire.gov.uk

Childrens and Adults Safeguarding Service

Essex County Council
70 Duke Street
County Hall
Chelmsford,
Essex, CM11JP
Phone: 01245 492211
licenceapplications@essexcc.gov.uk

Trading Standards

Information & Business Support Team
Essex Trading Standards
New Dukes Way Office
2 Beaufort Road
Dukes Park Industrial Estate

Chelmsford
Essex, CM2 6PS
Phone: 01245 341800
ESFbsnewdukesway@essex.gov.uk

The Local Planning Authority

Castle Point Borough Council
Council Offices
Kiln Road
Benfleet
Essex, SS7 1TF
Phone: 01268 882200
planning@castlepoint.gov.uk

Environmental Health

Castle Point Borough Council
Council Offices
Kiln Road
Benfleet
Essex, SS7 1TF
Phone: 01268 882200
eh@castlepoint.gov.uk

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham, B2 4BP
Phone: 0121 230 6500
info@gamblingcommission.gov.uk

HM Revenue & Customs

Excise Processing Teams
BX9 1GL
Phone: 03000 516023
Nrubetting&gaming@hmrc.gsi.gov.uk

Public Health

Consultant in Public Health
Essex County Council
County Hall
Market Road
Chelmsford
Essex, CM1 1QH

Appendix B

Local Risk Assessment Template (Example)

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

2: Gambling Operation

| No | Local Risks: | Licensing objective(s) at risk: (CD, FO or CV) | Control Measures | | | | | | |
|----------|--------------|--|--|---------|--|--------|--|----------|--|
| 2.1 | | | <table border="1"> <tr><td data-bbox="1043 266 1463 304">Systems</td></tr> <tr><td data-bbox="1043 304 1463 423"></td></tr> <tr><td data-bbox="1043 423 1463 461">Design</td></tr> <tr><td data-bbox="1043 461 1463 602"></td></tr> <tr><td data-bbox="1043 602 1463 640">Physical</td></tr> <tr><td data-bbox="1043 640 1463 813"></td></tr> </table> | Systems | | Design | | Physical | |
| Systems | | | | | | | | | |
| | | | | | | | | | |
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| 2.2 | | | <table border="1"> <tr><td data-bbox="1043 826 1463 864">Systems</td></tr> <tr><td data-bbox="1043 864 1463 983"></td></tr> <tr><td data-bbox="1043 983 1463 1021">Design</td></tr> <tr><td data-bbox="1043 1021 1463 1162"></td></tr> <tr><td data-bbox="1043 1162 1463 1200">Physical</td></tr> <tr><td data-bbox="1043 1200 1463 1364"></td></tr> </table> | Systems | | Design | | Physical | |
| Systems | | | | | | | | | |
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| 2.3 | | | <table border="1"> <tr><td data-bbox="1043 1373 1463 1411">Systems</td></tr> <tr><td data-bbox="1043 1411 1463 1529"></td></tr> <tr><td data-bbox="1043 1529 1463 1568">Design</td></tr> <tr><td data-bbox="1043 1568 1463 1709"></td></tr> <tr><td data-bbox="1043 1709 1463 1747">Physical</td></tr> <tr><td data-bbox="1043 1747 1463 1865"></td></tr> </table> | Systems | | Design | | Physical | |
| Systems | | | | | | | | | |
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| Design | | | | | | | | | |
| | | | | | | | | | |
| Physical | | | | | | | | | |
| | | | | | | | | | |

3: Internal and External Premises Design

| No | Local Risks: | Licensing objective(s) at risk: (CD, FO or CV) | Control Measures | | | | | | |
|----------|--------------|--|--|---------|--|--------|--|----------|--|
| 3.1 | | | <table border="1"> <tr><td data-bbox="1043 266 1463 304">Systems</td></tr> <tr><td data-bbox="1043 304 1463 423"></td></tr> <tr><td data-bbox="1043 423 1463 461">Design</td></tr> <tr><td data-bbox="1043 461 1463 602"></td></tr> <tr><td data-bbox="1043 602 1463 640">Physical</td></tr> <tr><td data-bbox="1043 640 1463 813"></td></tr> </table> | Systems | | Design | | Physical | |
| Systems | | | | | | | | | |
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| Systems | | | | | | | | | |
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| 3.3 | | | <table border="1"> <tr><td data-bbox="1043 1373 1463 1411">Systems</td></tr> <tr><td data-bbox="1043 1411 1463 1529"></td></tr> <tr><td data-bbox="1043 1529 1463 1568">Design</td></tr> <tr><td data-bbox="1043 1568 1463 1709"></td></tr> <tr><td data-bbox="1043 1709 1463 1747">Physical</td></tr> <tr><td data-bbox="1043 1747 1463 1865"></td></tr> </table> | Systems | | Design | | Physical | |
| Systems | | | | | | | | | |
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| Design | | | | | | | | | |
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| Physical | | | | | | | | | |
| | | | | | | | | | |

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

| | |
|-------------|--|
| Print Name: | |
|-------------|--|

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

Risks: Area of consideration that may impact on one or more of the licensing objectives.

Local Risks: These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises.

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

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

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