

**GAMBLING ACT 2005**  
**SECTION 349**  
**STATEMENT OF PRINCIPLES**  
**EASTLEIGH BOROUGH COUNCIL**

This Statement of Principles, unless otherwise amended, will remain in force from 31st January 2025 until 31st January 2028

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Consultation copy

## **Part A - General**

Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be re-published.

### **1.0 Licensing Objectives**

- 1.1 In exercising most of its functions under the Gambling Act 2005, hereafter referred to as the Act, the Licensing Authority, Eastleigh Borough Council, 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 gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 The Gambling Commission has stated the objective in relation to children, is explicitly to protect them from being harmed or exploited by gambling. The Licensing Authority shall ensure the objective as it relates to children is applied in this manner.
- 1.3 This Licensing Authority is aware that in accordance with Section 153 of the Act, in making its decisions about premises licences and temporary use notices it should aim to permit the use of the premises for gambling in so far as it thinks it:
- (a) in accordance with any relevant code of practice under section 24,
  - (b) in accordance with any relevant guidance issued by the Commission under section 25,
  - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
  - (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

### **2.0 Introduction**

- 2.1 Eastleigh Borough Council has a total land area of approximately 80km<sup>2</sup> and serves a population of 136,000 residents across 57,000 households. The Borough of Eastleigh lies between Southampton Water, The River Hamble and the borders of Winchester and Test Valley. Eastleigh Borough is predominantly suburban, reflecting the pressures expected by bordering the city of Southampton, yet retains important areas of countryside which are significant due to the separation they provide between settlements and the biodiversity and landscape characteristics they provide. Its main town is Eastleigh and other large settlements include Chandler’s Ford, Hedge End, Bishopstoke, Botley, Bursledon, Fair Oak, Hamble-Le-Rice, Netley and West End, all of which provide a variety of local centres with services, shopping and leisure provision..

- 2.2 Eastleigh Borough is home to several significant features including an internationally renowned sailing venue at the River Hamble, a national cricketing venue at the Utilita Bowl in West End, dance and music venues of regional significance at The Point and Concorde Club in Eastleigh, Places Leisure in Eastleigh, the Berry Theatre at Hedge End, the Ofsted 'outstanding rated' Barton Peveril college, the largest college in the Solent area and an important maritime, rail and air heritage.
- 2.3 Eastleigh town has seen extensive redevelopment and improvements in recent years and has excellent transport links. It is at the intersection of the M27 and M3 motorways, has two train stations on the London to Bournemouth main line and has excellent access to the nearby ports of Southampton and Portsmouth. The regionally important Southampton International Airport is also located near to Eastleigh town itself.
- 2.4 The Council's overarching mission is "supporting communities and improving lives" and it is this ethos which has enabled EBC to think differently and take a different approach which has stood the Council apart from its peers. The Council adopted a new Corporate Plan (2023-26) last year, which sets out five priority themes for the Council's work over the medium term which reflect our core purpose. These are 'Enabling a healthier Eastleigh', 'Shaping places', 'Protecting our environment', 'Creating homes and communities' and 'Improving our organisation'
- 2.5 As of 16<sup>th</sup> May 2024 gambling facilities in the borough consisted of 8 betting premises, 1 adult gaming centre, 1 bingo premises and 58 premises or clubs licensed for the supply of alcohol by retail who either possess a permit or have given notification of having gaming machines installed.

### **3 Consultation on the Statement of Principles**

- 3.1 The Licensing Authority has consulted widely on this statement before finalising and publishing it. This includes a notice on the council's website inviting responses from members of the public.
- 3.2 The Gambling Act requires the following parties be consulted by licensing authorities:
- The Chief Officer of Police for Hampshire;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Eastleigh area;
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 3.3 This policy has been drafted after consultation with the following organisations and individuals.
- Hampshire County Council Adult Social Care
  - BACTA
  - Betting & Gaming Council

- Bingo Association
- British Beer & Pub Association
- British Holiday & Home Parks Association
- Business in Sport & Leisure
- Casino Operators Association of the UK
- Citizens Advice
- Community Safety
- Regulatory Services
- Federation of licensed victuallers
- Gamblers Anonymous
- Gamble Aware
- Gambling Commission
- Gamcare
- Gamestec
- Gamstop
- Hampshire County Council Public Health
- Hampshire County Council Safeguarding Unit
- Hampshire County Council Trading Standards
- Hampshire & Isle of Wight Constabulary
- Hampshire & Isle of Wight Fire and Rescue Service
- HM Revenue & Customs
- Licence holders including all the permit holders
- Local courts
- Mencap
- Planning and Sustainability
- Racecourse Association Ltd

Additionally it was available for the general public through the Consultation web page of Eastleigh Borough Council.

- 3.4** The full list of comments made and the consideration by the Council can be obtained from the Democratic Services, Civic Offices, Eastleigh House, Upper Market Street, Eastleigh. SO50 9YN.
- 3.5** The first policy was approved at a meeting of the Full Council on 17<sup>th</sup> December 2009 and has been subsequently revised and published via the Council's website ([www.eastleigh.gov.uk](http://www.eastleigh.gov.uk)). Copies are placed in all the borough's public

libraries as well as being available from Democratic Services team at The Civic Offices, Eastleigh House, Upper Market Street, Eastleigh.

- 3.6** The Licensing Authority will also consult the above and any other relevant persons as may be appropriate for any subsequent revision of the statement.
- 3.7** Any comments as regards this statement should be sent to:

The Licensing Team  
Southampton and Eastleigh Licensing Partnership  
Civic Centre,  
Southampton  
SO14 7LY

Tel: 023 8083 3002

Email: [licensing.policy@eastleigh.gov.uk](mailto:licensing.policy@eastleigh.gov.uk)

- 3.8** It should be noted this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

#### **4. Declaration**

- 4.1** In publishing this document, the Licensing Authority declares it has had regard to the licensing objectives of the Act, guidance issued by both the Government and the Gambling Commission and any responses from those consulted upon the statement.

#### **5. Responsible authorities and interested parties**

- 5.1** When dealing with applications for and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as “responsible authorities” and “interested parties.” (It should be noted these are defined differently to those defined in the Licensing Act 2003). Representations made by persons other than responsible authorities or interested parties will be inadmissible.

- 5.2** “Responsible authorities” are public bodies that must be notified of applications by the applicant. They are as follows:

- the Licensing Authority in whose area the premises are wholly or partly situated;
- the Gambling Commission;
- the Chief Officer of Police;
- the Fire and Rescue Authority;
- the Local Planning Authority;
- the Public Health;
- Hampshire County Council Children Services

- HM Revenue and Customs; and
  - Any other person prescribed by the Secretary of State
- 5.3** A full list and contact details of all the Responsible Authorities under the Act are contained on the Council’s website ([www.eastleigh.gov.uk](http://www.eastleigh.gov.uk)).
- 5.4** The Licensing Authority is required by the regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act when designating 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; and
  - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 5.5** In accordance with the suggestion in the Gambling Commission’s Guidance to Local Authorities, this authority has designated Hampshire County Council Multi Agency Safeguarding Hub as the body that is competent to advise the authority about the protection of children from harm.
- 5.6** “**Interested parties**” are persons who may make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:
- “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 -
- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
  - has business interests that might be affected by the authorised activities; or
  - represents persons in either of those two groups referred to above”.
- 5.7** Each case will be considered on its merits. This authority 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.
- 5.8** It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 5.9** The Gambling Commission has recommended the Licensing Authority states that interested parties include trade associations, and trade unions, and residents and tenants’ associations (paragraph 6:21 of the Gambling Commission Guidance to Local Authorities). This authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act, i.e. lives sufficiently close to the premises to be likely affected by the activities being applied for.
- 5.10** Interested parties can be persons who are democratically elected such as local councillors and MPs. No specific evidence of being asked to represent an



interested person will be required as long as the councillor / MP represents the ward likely to be affected.

- 5.11** If interested parties wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with that particular licence application. If there are any doubts then please contact

The Licensing Team  
Southampton and Eastleigh Licensing Partnership  
Civic Centre,  
Southampton  
SO14 7LY

Tel: 023 8083 3002

Email: [licensing.policy@eastleigh.gov.uk](mailto:licensing.policy@eastleigh.gov.uk)

- 5.12** Other than these however, this authority will generally require written evidence a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

## **6. Exchange of Information**

- 6.1** Licensing Authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2** The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998(now superseded by the Data Protection Act 2018), the General Data Protection Regulations (now the UK GDPR), other regulations or any other legislation from time to time in force in relation to the exchange of data will not be contravened. The Licensing Authority will also have regard to the Gambling Commission's Guidance to licensing authorities, in particular part 13 or any other part of the guidance that is applicable as and when amended.

## **7. Compliance and Enforcement**

- 7.1** Licensing Authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 7.2 This Licensing Authority's principles are that It will be guided by the Gambling Commission's "Guidance to Local Authorities" (and any subsequent revision), will adopt a risk-based inspection programme in accordance with the Regulators' Compliance Code and will endeavour to be:
- **Proportionate:** intervention only when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountable:** decisions must be justified, and subject to public scrutiny;
  - **Consistent:** rules and standards must be joined up and implemented fairly;
  - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
  - **Targeted:** focused on the problem, and minimise side effects.
- 7.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other authorisations. The Gambling Commission will be the enforcement body for the operator and personal licences it issues. It should also be noted concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 7.5 In particular, the Gambling Act 2005 (Mandatory and Default Conditions)(England and Wales) Regulations 2007 (SI 2007 no. 1409) make provision for conditions to be attached to premises licences under section 167 and 168 of the Gambling Act 2005
- 7.6 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.7 Having regard to the principle of transparency, the Licensing Authority enforcement policy will be available on request to the Licensing Team.
- 7.8 Eastleigh Borough Council has an adopted Enforcement Policy which will be adhered to when considering enforcement activity.

## 8. The Licensing Authority Functions

- 8.1 The Licensing Authority will:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
  - Issue Provisional Statements
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
  - Issue Club Machine Permits to Commercial Clubs

- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- Maintain registers of the permits and licences issued under these functions

**8.2** The Licensing Authority will not be involved in licensing remote gambling e.g. online gambling. This will fall to the Gambling Commission via Operator Licences.

## Part B – Premises Licences

### 9. Premises Licences – What Standards the Licensing Authority Expects from Applicants

9.1 The Licensing Authority is required to take into account the following when taking decisions in respect of premises licences:

- (a) Relevant Gambling Commission Codes of Practice
- (b) Relevant Gambling Commission Guidance
- (c) Reasonable consistency with the Licensing Objectives (subject to a and b)
- (d) This document; our gambling statement of principles (subject to a – c)

9.2 It is important for there to be clear guidelines as to how we will make decisions about premises licence applications. In this way we can be consistent and ensure the committee have clear reasons for decisions taken. It is also important to be transparent about this process so those who apply for licences and those who may have opinions about gambling premises know how the process works.

9.3 In light of this we have set out below what we are looking for from applicants looking to offer gambling in Eastleigh.

9.4 Each application for a premises licence will be considered on its merits; applicants are expected to show how they will meet licensing objective concerns, in order to be granted a licence. Where applicants fail to show how they will meet licensing objective concerns, licence conditions can be imposed or the application rejected.

#### 9.5 Licensing objectives: minimum standards for all premises

9.5.1 We expect high standards from all gambling premises. These standards are in line with the three licensing objectives of the Gambling Act.

9.5.2 The Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in October 2023, includes the need for operators to consider local risks.

9.5.3 All premises licensees are to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. It will be expected that operators will factor in the levels of deprivation in their local area and exercise greater vigilance, where appropriate, in matters such as monitoring, intervention, self-exclusion and display of information. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy. The Authority may publish a local profile to assist applicants in this process separate from this statement; this is attached at Appendix A

#### 9.5.4 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

Generally this objective will be addressed through operating licences issued by the Gambling Commission. However we will require premises to have protocols in place to prevent staff or customers becoming a victim of robbery,

and identify those persons who may be at risk and the existence of these protocols is well-publicised. We will also outline control measures for tracks, as track operators do not need to hold an operating licence. The Gambling Commission highlights that “disorder” is intended to mean activity which is more serious and disruptive than mere nuisance.” For example, was police assistance required? How threatening was the behaviour to those who could see or hear it?

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

Generally this objective will be addressed by:

- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

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

The Gambling Act defines “children” as those persons under 16 years of age and “young persons” as those persons aged 16 or 17 years of age.

The term “vulnerable persons” is not defined, however the Gambling Commission does offer some guidance:

- People who gamble more than they want to
- People who gamble beyond their means
- People who may not be able to make informed or balanced decisions about gambling due to a mental capacity, potentially due to cognitive or mental health conditions, alcohol, drugs or even some pharmaceutical treatments.

The governments ‘Gambling-related harms evidence review’ updated on 30th September 2021 estimates 0.5% of the population reached the threshold to be considered problem gamblers and 3.8% of the population were considered as ‘at risk gamblers’. People identified as problem gamblers are more typically male and in younger age groups. The socio-demographic profile of gamblers appears to change as gambling risk increases, with harmful gambling associated with people who are unemployed and among people living in more deprived areas.

In Eastleigh Borough we will also consider the following people to be vulnerable to the risks of gambling:

- Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
- Those who are employed by gambling operators and have regular contact with gambling

- Those aged 16-29.
- Habitual players of gaming machines.

Additionally research by City of Westminster Council, Manchester City Council and the Local Government Association identified the groups below as at risk of harm from gambling. This list is not exhaustive but includes the following:

- Young people
- Some ethnic groups, Asian, Oriental,
- Unemployed
- Those living in deprived areas
- Homeless
- Those dealt with by Immigration Services
- Those dealt with by Probation Services
- Those suffering from the Influence of drugs and alcohol
- Those suffering from Mental Health problems
- Problem gamblers

These factors need to be addressed by applicants and licence holders when completing their risk assessments, further information on these subjects are contained appendix A.

What constitutes harm or exploitation will have to be considered on a case-by-case basis.

We expect all premises licence holders to have suitable safeguarding policies including protection from harm or exploitation from gambling, in respect of children, young persons and vulnerable persons. We expect premises licence holders to ensure all staff are trained to recognise safeguarding issues and harm or exploitation from gambling, and they are trained to act appropriately when they arise. Such policies must be kept updated and staff training provided on induction and at least annually or more frequently if required.

#### **9.5.7 General considerations for all gambling premises**

We expect high standards from premises licence applicants in order to promote the licensing objectives. We will therefore look to apply licence conditions where appropriate to ensure these standards are met. The types of conditions we may look to apply in respect of all types of premises are listed below with more premises specific conditions listed in 10 to 19 below.

#### **9.5.8 Data gathering and sharing**

Keeping track of the incidence and handling of problem gambling in Eastleigh borough is a key part of promoting the licensing objectives. We expect all gambling premises to maintain a log and share this and other information with the Licensing Team upon request.

Data we consider should be recorded and shared includes (but is not exclusive to):

- (a) Number of interventions in a calendar month along with a short description of the cause and effect
- (b) Number of cases in a calendar month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
- (c) Number of mandatory exclusions needing enforcement in a calendar month along with a short description of the cause and effect
- (d) Attempts to enter by those under age in a calendar month along with short description of incident and action
- (e) Attempts to enter by those under age in the company of adults in a calendar month along with short description of incident and action
- (f) Attempts to enter by those under age with complicit adults in a calendar month along with short description of incident and action
- (g) Incidents of 'at risk behaviour' (to be defined when a data request is made) in a calendar month along with short description of incident and action
- (h) Incidents of 'behaviour requiring immediate intervention' (to be defined when a data request is made) in a calendar month along with short description of incident and action.

We will look to work with the trade to ensure inconvenience is minimised while we build up a picture of gambling risks and progress in risk management. Before any publication, information shared with the Licensing Team would be redacted as appropriate, so as to prevent dissemination of clearly sensitive personal data.

#### **9.5.9 Knowledge**

We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

- (a) The importance of social responsibility (Premises may wish to seek an audit from GamCare or such other appropriate body in order to obtain a Certificate of Social Responsibility)
- (b) Causes and consequences of problem gambling
- (c) Identifying and communicating with vulnerable persons: primary intervention and escalation
- (d) Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment
- (e) Refusal of entry (alcohol and drugs)
- (f) Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
- (g) Importance and enforcement of time/spend limits
- (h) The conditions of the licence
- (i) Maintaining an incident log
- (j) Offences under the Gambling Act

- (k) Categories of gaming machines and the stakes and odds associated with each machine
- (l) Types of gaming and the stakes and odds associated with each
- (m) Staff exclusion from gambling at the premises where they are employed and reasons for restriction
- (n) The "no tipping" rule, unless a common fund into which tips and service charges are paid for distribution to the staff (a "tronc") is established and conducted in accordance with current H.M. Revenue and Customs advice.
- (o) Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
- (p) Safe cash-handling/payment of winnings
- (q) Identify forged ID and bar those using forged ID from the premises
- (r) Knowledge of a problem gambling helpline number (for their own use as well as that of customers)
- (s) The importance of not encouraging customers to:
  - Increase the amount of money they have decided to gamble
  - Enter into continuous gambling for a prolonged period
  - Continue gambling when they have expressed a wish to stop
  - Re-gamble winnings
  - Chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling.

With regard to training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

For premises that supply alcohol by retail under the authority of a premises licence granted under the Licensing Act 2003 staff to receive alcohol intervention training.

#### **9.5.10 A self-exclusion scheme**

We expect all premises to operate a voluntary exclusion scheme. This means wherever customers request to be excluded from the premises, they are excluded for an agreed timeframe. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant code of practice and trade association advice. The premises takes responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period unless a counselling session has first been held and re-admittance agreed.

#### **9.5.11 Intervention to protect vulnerable persons from being harmed or exploited by gambling**



We expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like or otherwise in a way that is harmful, or it is suspected it may be harmful to others who are dependent on them. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme. However intervention may also include a counselling session and following that session potentially mandatory exclusion.

To reduce the impact of harmful gambling on associates of participants premises to have in place interventions for individuals who are displaying anger or aggressive behaviour linked to their gambling prior to leaving the premises.

Beyond the minimum standards and the objectives outlined here , we do not wish to be overly prescriptive in how intervention shall proceed. This is a developing area and we feel there are benefits with different operators trying out different approaches; the best of which can then be taken forward on a wider scale.

#### **9.5.12 The location of gambling premises**

Locations for gambling premises, which may pose problems, include those in close proximity to premises frequented by children or other vulnerable persons e.g. schools or parks. Each case will be considered on its merits and if adequate measures are put in place in accordance with this policy to restrict access to children, protect vulnerable persons and prevent crime and disorder, there may be no reason why one location poses substantively more risk than another. We recognise the presence of gambling premises with a constant stream of trade in what may have formerly been an underused area may serve to reduce crime and disorder, however this will only be the case where necessary safeguards are put in place either by the operator or by the licensing authority in the form of licence conditions.

#### **9.5.13 Layout and Access**

Premises should ensure appropriate systems and procedures are in place to ensure the exclusion of those persons who have requested to be excluded as well as under 18s (where appropriate). This should include, at minimum, a "Challenge 21" scheme with acceptable ID limited to either a photo driving licence, passport or PASS accredited proof-of-age scheme. Prominent signage at all entrances should indicate this requirement. We would encourage easily visible exit signs and large clock faces to be placed so visitors do not lose track of time

Whilst under 18s CANNOT enter the vast majority of licensed gambling premises, there are exceptions. Under 18s CAN enter:

- The gambling areas of a bingo club other than areas containing category C or above gaming machines
- The gambling areas of a track (on race days) other than off-course betting and areas containing category C or above gaming machines
- Licensed Family Entertainment Centres

(See the prescribed mandatory and default conditions and Gambling Commission guidance and codes of practice for details of under 18s rights of access and participation.).

In the case of premises that are able to allow under 18s to access some gambling areas, due attention should be given to layout and access to ensure under 18s do not participate in gambling or gain access to areas where access is restricted, and the areas are suitably monitored.

Where category C or above gaming machines are available in premises to which under 18s are admitted, we expect::

- 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
- Only over 18s are admitted to the area where these machines are located
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so it can be observed by staff of the operator or the licence holder
- At the entrance to, and inside any such area there are prominently displayed notices indicating access to the area is prohibited to persons under 18.

Where under 18s are loitering outside of the premises, steps should be taken by the premises licence holder to discourage them from loitering there, and consideration should be made to reporting this to the police or an education welfare officer as appropriate.

Furthermore, premises should ensure vulnerable persons are either excluded from gambling (in the case of those who are under the influence of alcohol or drugs, under voluntary exclusion or have been excluded for whatever other reason) or are under supervision with the possibility of intervention. Such exclusions should not discriminate against people who may be wrongly judged to be vulnerable e.g. people with a protected characteristic under the Equality Act 2010; we recognise this may be a difficult judgement to make at times and premises should ensure staff are trained to make reasonable and non-discriminatory judgements.

Whilst supervisors of entrances and exits may need to be registered with the Security Industry Authority, we expect all customer-facing and managerial staff in Eastleigh to show a due level of competence and understanding of responsible gambling. This may, for example, involve undergoing training and sitting an examination.

Sometimes several licences may be in place for just one premises or one licence may cover only part of the premises. In light of this operators must carefully consider the premises layout to ensure children and young persons (as appropriate) neither gain access to areas used for gambling nor are brought into close proximity to gambling. The licensing authority will expect to see adequate measures are put in place either by the operator or by the licensing authority in the form of licensing conditions.

#### **9.5.14 Access**

Premises should take such steps as are reasonably practicable to ensure entrances and exits to the premises will enable persons using the premises (including disabled persons) and the facilities to be safe and free from risks to health and while such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.

#### **9.5.15 Staff restrictions on access to gambling**

Gambling premises staff are brought into close proximity with gaming and/or gaming machines on a regular basis and therefore may have a heightened vulnerability to problem gambling. There is also a risk of off duty staff colluding with their colleagues. For these reasons we feel staff must be excluded from gaming or gambling on the premises at which they work at all times, whether on duty or off duty. Larger operators may also want to consider offering an Employee Assistance Programme. Smaller operators may simply wish to refer staff with gambling problems to a local counselling service.

#### **9.5.16 Staff to customer ratio**

To ensure the safety of both customers and staff, sufficient staffing numbers should be in place at all times the premises is open. All premises will be expected to demonstrate they will have in place a suitable staff to customer ratio as appropriate to the premises. A suitable ratio should take into account the protection of staff and customers with respect to the crime and disorder objective as well as the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

When deciding their ratio we would advise premises to seek the advice of the Force Crime Prevention Team prior to application.

#### **9.5.17 Inducements to gamble**

To further ensure the safety of both customers and staff and protect vulnerable persons from being harmed or exploited by gambling, premises should not use inducements to gamble such as free or reduced price alcohol or food.

#### **9.5.18 Advertising**

Applicants will be required to demonstrate how they will comply with the relevant Gambling Commission code of practice and Advertising Standards Authority regulations in respect of advertisements. Advertising should not target or be appealing to 'vulnerable persons'.

#### **9.5.19 On-premises provision of gambling advice**

A risk-aware and gambling literate customer base with recourse to advice and assistance is likely to have a lesser chance of being harmed or exploited by gambling. Where people gamble we want them to do so for entertainment rather than in the expectation of a big win or to chase losses.

In light of this, we will expect all gambling premises:

- (a) Provide leaflets and posters, free telephone helpline and GamCare/Responsible Gaming Trust (RGT) contact details aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g.

helpline number and online counselling facility. For every 100m<sup>2</sup> of gambling/gaming and/or gaming machines at least one prominent leaflet display must be provided along with a neighbouring poster to reinforce the message. Leaflets and posters should also be available in more discreet locations e.g. toilets.

(b) Prominently display details of odds with each gaming machine

Premises should liaise with the Responsible Gambling Trust to gain approval for leaflet and poster content and ensure pointers to local sources of help and guidance are up to date and relevant.

Whenever a customer expresses concern about their gambling, unless prevented from doing so by staff safety concerns, staff should provide them with a responsible gambling leaflet, suggest they contact the helpline number and make them aware of their self-exclusion facilities and local counselling services available.

#### **9.5.20 Exclusion of those who appear to be under the influence of alcohol or drugs etc.**

In order to protect both staff and those who are under the influence of alcohol or drugs (thereby potentially distorting their ability to make rational decisions), those persons who appear to be in such a state must be immediately excluded from the premises. Signage should be prominently displayed to indicate this. Please note with reference to those persons with a mental impairment or mental health difficulties, premises would be well-advised to consult a suitable Mental Health Advisor and formulate a balanced policy to protect this category of vulnerable person from being harmed or exploited by gambling, while allowing people with mental capacity to enjoy gambling as other customers do.

#### **9.5.21 Safe Cash-handling**

In the interest of preventing crime and disorder, we require all gambling premises in Eastleigh to have a minimum provision for safe cash-handling and thereby prevent against theft/robbery etc. We will expect minimum standards in terms of:

- The frequency of banking cash (to avoid large sums being involved)
- Use of security personnel for transport
- No. of staff handling cash at any one time
- A fully up to date CCTV system with records kept for an appropriate length of time (including signage to indicate the presence of such a system)
- Local and emergency contact details for the emergency services clearly displayed in office areas
- Consultation with the Force Crime Prevention Team and regular security reviews

For security reasons, while we will not expect premises to tell us the precise details of the protocols they have in place, the licensing authority will need to be satisfied effective procedures exist. It should be prominently publicised on-site that robust security measures are in place.

### **9.5.22 Safe payment of winnings**

In the interest of preventing aggravated robbery etc. gambling premises should consider offering their customers a choice of methods by which their winnings may be paid. This could include either cheque or BACS payment. These options should be well publicised.

### **9.5.23 Adequate lighting inside and out**

We expect all premises to have adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.

### **9.5.24 Engagement with the police**

In addition to the need to consult a local Force Crime Prevention Team, the operators of new premises/premises undergoing a refurbishment should also engage with the police's architectural liaison unit at the design stage to ensure crime prevention and detection.

### **9.5.25 Specific types of premises and what we are looking for in respect of each**

While we have outlined minimum standards we expect from all gambling premises in the previous section, any areas we need to stress, due to differences between premises types, are outlined below.

The Council will pay particular attention to any Codes of Practice, issued by the Gambling Commission in respect of specific types of premises.

## **10. General Principles**

**10.1** Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

**10.2** The Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it :

- (a) in accordance with any relevant code of practice under section 24,
- (b) in accordance with any relevant guidance issued by the Commission under section 25,
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c))

**10.3** The Licensing Authority appreciates in accordance with the Gambling Commission's Guidance "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any "no casino" resolution – see section on Casinos below – paragraph 15 below) and also unmet demand is not a criterion for the Licensing Authority.

### **10.4 Definition of "premises"**

"Premises" is defined in the Act as "at 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. However, the Gambling Commission does not consider areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

**10.5** This Licensing Authority takes particular note of the Gambling Commission's Guidance to Local Authorities which states (paragraphs 7.26 and 7.27):

"Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits.

For bingo and family entertainment centre premises, it is a mandatory condition under-18s should not have access to areas where category B and C gaming machines are located and this is achieved through further mandatory conditions that require the area to be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- supervised at all times to ensure under-18s do not enter the area, and supervised by either:
  - one or more persons whose responsibilities include ensuring under-18s do not enter the areas
  - CCTV monitored by one or more persons whose responsibilities include ensuring under-18s do not enter the areas
- arranged in a way that ensures all parts of the area can be observed.

A notice must be displayed in a prominent place at the entrance to the area stating no person under the age of 18 is permitted to enter the area. "

**10.6 Duplication with other regulatory regimes**

The Licensing Authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be granted planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions that are not able to be met by licensees due to planning restrictions, should such a situation arise.

**11. Conditions on premises licences**

- 11.1** The mandatory and default conditions are designed to be sufficient to ensure an operation is reasonably consistent with the licensing objectives. Accordingly, additional conditions will only be imposed where, in the

circumstances of the case, there is evidence of a risk to the licensing objectives that is not adequately addressed by the mandatory and default conditions or policies, procedures and mitigation measure outlined in the local area risk assessment.

**11.2** The Licensing Authority will ensure any conditions imposed are proportionate to the circumstances which they are seeking to address, and will ensure any premises licence conditions are:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- not replicating requirements set out elsewhere (e.g. the Commission's Licence conditions and codes of practice (LCCP) or other legislation),
- not seeking to address a matter already dealt with by mandatory conditions and;
- reasonable in all other respects

**11.3** Decisions upon individual conditions will be made on a case by case basis. The Authority recognises conditions can only be imposed when necessary and any conditions imposed must be proportionate to the aim. There will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

**11.4** The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include:

- supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children;
- supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Gambling Commission's Guidance.

**11.5** The Licensing Authority will also ensure where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;

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

These considerations will apply to premises including buildings where multiple premises licences are applicable.

**11.6** The Licensing Authority is aware tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure entrances to each type of premises are distinct and children are excluded from gambling areas where they are not permitted to enter.

**11.7** It is noted there are conditions which the Licensing Authority cannot attach to premises licence which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or methods of operation;
- conditions which provide 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

**11.8** Door Supervisors

The Gambling Commission advises in its Guidance to Local Authorities that licensing authorities may consider whether there is a need for door supervisors 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.

**11.9** For premises other than casinos and bingo premises, operators and licensing authorities may decide supervision of entrances/machines is necessary for particular cases .

## **12. Other Legislation**

**12.1** The Licensing Authority will not take into account matters not related to gambling and the licensing objectives when considering an application for a premises licence. However, it is for the operator to ensure premises comply with all other relevant legislation such as fire safety, food safety and health & safety. It should be noted these examples are not exhaustive, and applicants must ensure they comply with all other regulatory regimes in respect of their employees and the public.



**12.2** So far as is possible, this statement of principles will avoid duplicating those other regulatory regimes.

### **13. Adult Gaming Centres (AGCs)**

**13.1** 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 there will be sufficient measures to ensure, for example, persons under the age of 18 do not have access to the premises.

**13.2** The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however, appropriate measures / licence conditions may cover issues such as:

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

This list is neither mandatory nor exhaustive and is merely indicative of reasonable measures which might be in place.

### **14. Licensed Family Entertainment Centres**

**14.1** 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 there will be sufficient measures to ensure persons under the age of 18 do not have access to the adult only gaming machine areas.

**14.2** The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage

- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare/Be Gamble Aware
- Measures/training for staff on how to deal with suspected truant school children on the premises
- Ensuring there are no inducements to remain in the gaming areas longer than anyone can reasonably afford to
- Training of staff

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

- 14.3** The Licensing Authority will refer to any conditions applied by the Gambling Commission to operating licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority is also aware of mandatory and default conditions on these premises licences when published.

## **15. Casinos**

### **15.1 “No Casino” resolution**

The Licensing Authority has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

- 15.2** Such a resolution would be reviewed at three yearly intervals or sooner should the circumstances warrant a revision of the resolution. Any such decision will be made by Full Council. Such a resolution would not affect pre-existing licensed casinos.

### **Casinos and competing applications**

- 15.3** The Licensing Authority is aware where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to operate the casino. In such situations the Local Authority will run a ‘competition’ under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations/codes of practice issued under the Gambling Act 2005.

### **Betting machines**

- 15.4** The Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **16. Bingo Premises**

- 16.1** The Licensing Authority has noted if children are allowed to enter premises licensed for bingo they must 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 the Licensing Authority will ensure:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where the machines are located;
  - access to the area where the machines are located is supervised;
  - the area where the machines are located is arranged so it can be observed by staff of the operator or the licence holder; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating access to the area is prohibited to persons under 18.
- 16.2** This Licensing Authority will follow the guidance about the particular issues licensing authorities should take into account in relation to the suitability and layout of bingo premises.

## **17. Betting Premises**

- 17.1 Betting machines** – The Licensing Authority will, in accordance with the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. This is in addition to the four gaming machines permitted with a premises licence.

## **18. Tracks**

- 18.1** Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.
- 18.2** The Licensing Authority is aware tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure entrances to each type of premises are distinct and children are excluded from gambling areas where they are not permitted to enter.
- 18.3** The Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure children do not have access to adult only gaming facilities. It is noted children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-

racing and/or horse racing takes place, but they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

**18.4** This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

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

#### **18.5 Gaming machines**

The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

#### **18.6 Betting machines**

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

#### **18.7 Condition on rules being displayed**

The Gambling Commission has advised in its Guidance to Local Authorities that "...licensing authorities should 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.”

## **18.8 Applications and plans**

This Licensing Authority note the guidance states the following with regard to defining the premises:

- 18.9** S.151 of the Act requires applicants for premises licences to submit plans of the premises with their application. This ensures licensing authorities have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan also informs future premises inspection activity.
- 18.10** Plans for tracks need not be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 18.11** In the majority of cases, such as greyhound tracks, racecourses, football stadia and cricket grounds, defining the extent of boundaries may be assisted by reference to existing plans already submitted to obtain other permissions. These could include:
- the obtaining of a safety certificate under ‘Safety at Sports Ground’ legislation (this applies in respect of sports grounds with capacity to accommodate more than 10,000 spectators)
  - the historic boundaries under previous legislation such as, the approval of tracks under Schedule 3 of the Betting, Gaming and Lotteries Act 1963.
- 18.12** It is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Licensing authorities should satisfy themselves the plan provides sufficient information to enable them to assess an application.
- 18.13** As the plan forms part of the licence document, it also needs to be sufficiently flexible to ensure that a relatively small change in the premises layout would not require an operator to submit an application to vary the track premises licence. Only a significant change to the track layout would require a licence variation. For example, moving a category C gaming machine from one end of a bar that had been marked on the plan as a gaming machine area to another may not necessitate a full variation to a tracks premises licence, nor would the establishment of a new betting area at a racetrack, as neither of these events have any impact on the purpose of the licence or the conditions attached to it. However, relocating category C machines to entirely different parts of a track would generally need to be the subject of an application to vary the premises licence

## **19. Travelling Fairs**

- 19.1** It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made

available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

**19.2** The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The Act defines a travelling fair as ‘wholly or principally’ providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.

**19.3** It has been noted the 27-day statutory maximum for the land being used as a fair, is per calendar year, and 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. This licensing authority will work with its neighbouring authorities to ensure land which crosses our boundaries is monitored so the statutory limits are not exceeded.

## **20. Provisional Statements**

**20.1** The Licensing Authority notes at 11.11 of the Guidance for the Gambling Commission it states “S.210 of the Act, which applies to both premises licences and provisional statements, makes it clear a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”.

**20.2** In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional stage; or
- (b) which, in the authority’s opinion, reflect a change in the operator’s circumstances.

## **21. Reviews of premises licences**

**21.1** Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:

- 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 the Licensing Authority’s statement of principles.

**21.2** The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Consultation copy

## **Part C – Permits, Temporary and Occasional Use Notices**

### **22. Unlicensed Family Entertainment Centre Gaming Machine Permits**

- 22.1** Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted the applicant must show the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 22.2** The Gambling Act 2005 states a Licensing Authority may prepare a statement of principles they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under Section 25.
- 22.3** The Guidance also states: "...An application for a permit may be granted only if the Licensing Authority is satisfied the premises will be used as an unlicensed family and entertainment centre, and if the Chief Officer of Police has been consulted on the application."
- 22.4** The Licensing Authority cannot attach conditions to this type of permit.
- 22.5** The Licensing Authority will expect the applicant to show 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. The efficiency of such policies and procedures will each be considered on their merits; however, they may include the following:
- appropriate measures / training for staff as regards suspected truant school children on the premises,
  - measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 22.6** The Licensing Authority will also expect
- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
  - the applicant shall disclose relevant convictions (those that are set out in Schedule 7 of the Act) in order that the Licensing Authority may consider whether it would be contrary to the licensing objectives to grant a permit; and
  - staff are trained to have a full understanding of the maximum stakes and prizes.

### **23. Alcohol Licensed Premises Gaming Machine Permits**

- 23.1** 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. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:



- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

**23.2** 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, and “such matters as they think relevant.”

**23.3** The Licensing Authority considers “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 being harmed or being exploited by gambling and will expect the applicant to satisfy the authority there will be sufficient measures to ensure persons under the age of 18 do not have access to the adult only gaming machines. Measures which will satisfy the authority may include:

- The adult machines being in sight of the bar, or in the sight of staff who will monitor the machines are not being used by persons under the age of 18;
- Notices and signage; and
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

**23.4** The Licensing Authority recognises some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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

**23.6** It should also be noted the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **24. Prize Gaming Permits**

**24.1** In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

**24.2** The applicant should set out the types of gaming he or she is intending to offer and should be able to demonstrate:

- they understand the limits to stakes and prizes that are set out in Regulations; and
- the gaming offered is within the law

**24.3** It should be noted there are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

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

**25.1** Members Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

**25.2** Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. 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 Royal British Legion and clubs with political affiliations.

**25.3** The Licensing Authority may only refuse an application on the grounds:

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

- 25.4** There is a “fast-track” procedure available under the Act 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 Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced and the grounds on which an application under the process may be refused are:
- (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”
- 25.5** There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **26. Temporary Use Notices**

- 26.1** There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a “set of premises” where Temporary Use Notices are received relating to the same building/site.
- 26.2** As with “premises” the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of a set of premises the Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises.
- 26.3** The Licensing Authority will consider objecting to Temporary Use Notices where it appears their effect would be to permit regular gambling in a place that could be described as one set of premises.

## **27. Occasional Use Notices**

- 27.1** The Licensing Authority has very little discretion as regards these notices aside from ensuring the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need, though, to consider the definition of a “track” and whether the applicant is permitted to avail him/herself of the notice.

## **Part D – Other Information**

### **28. Rights of Appeal and Judicial Review**

**28.1** The Licensing Authority is aware its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. To ensure a transparent decision making process the Licensing Authority will:

- give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
- wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.

**28.2** An appeal may be commenced by the giving of a notice of appeal by the appellant to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

**28.3** Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

### **29. Other Matters**

**29.1** In order to ensure applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Council's website ([www.eastleigh.gov.uk/licensing](http://www.eastleigh.gov.uk/licensing)) or by contacting the Licensing Team:

- Register of premises licences issued by the Licensing Authority
- Fees
- Guidance on how to make an application
- List of responsible authorities and contact details
- Application forms, where appropriate
- Making representations
- Applying for a review of a licence

### 30. The Licensing Authority Delegations

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers
Three year licensing statement of principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		full Licensing Committee	
Application for premises licence		Where representations have been received and not withdrawn (save in respect of any application for a Large Casino which will be heard by the full Licensing Committee)	Where no representations received/ representations have been withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional transfer		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X

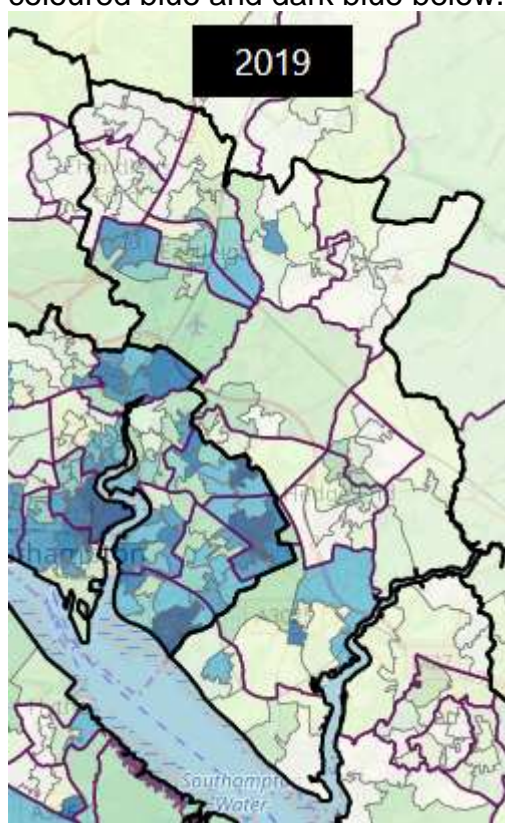
<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing Committee or Sub-Committee</b>	<b>Officers</b>
Cancellation of licensed premises gaming machine permits			<b>X</b>
Consideration of temporary use notice			<b>X</b>
Decision to give a counter notice to a temporary use notice		<b>X</b>	
Decision to determine an application without holding a hearing on grounds contained within S.162 (3)			<b>X</b>
Decision to reject an application for review made under S.197 based on grounds contained within S.198			<b>X</b>
Take "action" (under S.202) following review		Where application heard by Sub-Committee	Where no hearing and all parties agree in advance to relevant "action".

### 31. Appendix A – Local profile.

#### **Eastleigh Borough Council: Eastleigh borough profile 2021**

This profile briefly describes issues that are relevant to gambling and alcohol licencing. Further information (e.g. areas and locations referred to below, more detailed information relating to each domain of deprivation) is available from the Council's Strategic Planning and Development Team via the Council Customer Service Centre 023 8068 8000.

**Deprivation:** Ten areas (Lower-Level Super Output Areas – LSOAs) fall below the national average ranking for the overall measure of deprivation (IMD 2019) – coloured blue and dark blue below.



This equates to 13% of the borough's neighbourhoods.

Lower-layer Super Output Areas (LSOAs) in Eastleigh Borough, Ranked in the Most Deprived Half of All English LSOAs

Source: Index of Multiple Deprivation IMD, released 2019, but based on earlier data

LSOA Code	LSOA Local Name	Decile of English Local Authorities
Eastleigh 013B	1. Pilands Wood	Most deprived 10-20%
Eastleigh 006D	2. Velmore	Most deprived 20-30%
Eastleigh 006E	3. Fleming Park	Most deprived 20-30%
Eastleigh 005E	4. West Bishopstoke – Central	Most deprived 20-30%
Eastleigh 007C	5. Riverside – South	Most deprived 30-40%
Eastleigh 014B	6. Netley Abbey – Central	Most deprived 30-40%
Eastleigh 013D	7. Bursledon North	Most deprived 30-40%
Eastleigh 007D	8. Riverside – North	Most deprived 40-50%
Eastleigh 006C	9. Nightingale	Most deprived 40-50%
Eastleigh 007A	10. Eastleigh Town Centre	Most deprived 40-50%



This measure of deprivation includes the following 'domains':

- Income
- Employment
- Education
- Health
- Crime
- Barriers to housing and services
- Living Environment

### **Health**

The following Lower Layer Super Output Areas are more deprived than the national average on the Health Deprivation and Disability domain:

Eastleigh 013D  
Eastleigh 013B  
Eastleigh 005E  
Eastleigh 011D  
Eastleigh 007D  
Eastleigh 007C  
Eastleigh 006D  
Eastleigh 014B

### **Crime**

The following Lower Layer Super Output Areas are more deprived than the national average on the Crime domain:

Eastleigh 013C  
Eastleigh 006D  
Eastleigh 013D  
Eastleigh 009G  
Eastleigh 013B  
Eastleigh 007B  
Eastleigh 006E  
Eastleigh 007A  
Eastleigh 014B  
Eastleigh 015B  
Eastleigh 012F  
Eastleigh 013E  
Eastleigh 013A  
Eastleigh 007E  
Eastleigh 009E  
Eastleigh 007D  
Eastleigh 006A  
Eastleigh 009C  
Eastleigh 004B  
Eastleigh 010A

Eastleigh 007C  
Eastleigh 014A  
Eastleigh 011D  
Eastleigh 006C  
Eastleigh 005F  
Eastleigh 009D  
Eastleigh 008F  
Eastleigh 004E  
Eastleigh 004A  
Eastleigh 009F

### **Education**

The following Lower Layer Super Output Areas are more deprived than the national average on the Education domain:

Eastleigh 005E  
Eastleigh 013B  
Eastleigh 006D  
Eastleigh 006E  
Eastleigh 006C  
Eastleigh 014B  
Eastleigh 007C  
Eastleigh 006A  
Eastleigh 005A  
Eastleigh 006B  
Eastleigh 011D  
Eastleigh 007D  
Eastleigh 009C  
Eastleigh 015C  
Eastleigh 011C  
Eastleigh 004D  
Eastleigh 013A  
Eastleigh 004A  
Eastleigh 005F  
Eastleigh 009D  
Eastleigh 004E  
Eastleigh 007A  
Eastleigh 012A  
Eastleigh 007E  
Eastleigh 005B  
Eastleigh 009A  
Eastleigh 011E  
Eastleigh 007B

### **Schools**

The borough contains a number of maintained primary (not listed below) and secondary schools and two 6<sup>th</sup> form colleges in Eastleigh town and the other centres of population:

- Chandlers Ford (Toynbee, Thornden)

- Boyatt Wood (Crestwood – Shakespeare Road site)
- Eastleigh Town (Crestwood – Cherbourg Road site, Eastleigh College, Barton Peveril College)
- Bishopstoke and Horton Heath
- Fair Oak (Wyvern)
- Hedge End (Wildern)
- West End
- Botley
- Bursledon
- Hamble (Hamble School)
- Netley Abbey.
- Deer Park, Hedge End (Due to open in September 2021)
- (The Bridge Centre in Newtown Road also provides education for young people needing extra support with their education.)
- The borough also includes youth centres in Eastleigh (Energy), Chandlers Ford (The Hilt), Bishopstoke (The Hub), Hedge End (The Box Community Hub), West End (The YoutHouse), Cutbush Lane Youth Club and Hamble (HYPE)

### **Health services**

There are a number of health service provider locations across the borough where vulnerable adults receive services, including GP surgeries and Pharmacies in towns and local centres. Eastleigh town centre also includes specialist services such as:

- Inclusion Eastleigh, a specialist drug and alcohol service: 41 High Street, Eastleigh, SO50 5LG (<https://www.inclusion.org/services/inclusion-eastleigh-2/>)
- Eastleigh Wellbeing centre, serving adults with mental illness: 111 Leigh Road, Eastleigh, SO50 9DS (<http://www.solentmind.org.uk/content/our-wellbeing-centres>).