

GAMBLING ACT 2005

1. INTRODUCTION

- 1.1 The Gambling Act 2005 requires Licensing Authorities to produce a three year Statement of Principles/Policy similar to that previously required under the Licensing Act 2003. On 16 June 2006 the draft Statement of Principles was presented to the General Purposes and Licensing Committee who authorised circulation of the document for consultation to interested parties, responsible authorities and committee members.

2. STATEMENT OF PRINCIPLES

- # 2.1 A précis of all comments received with recommended actions is attached at
Appendix 1 to this report. The amended Statement of Principles is attached
at Appendix 2.

3. CRIME AND DISORDER ISSUES

- 3.1 There are no crime and disorder issues arising from the introduction of this policy

4. ENVIRONMENTAL ISSUES

- 4.1 There are no environmental issues arising from the introduction of this policy

5. FINANCIAL ISSUES

- 5.1 There are associated staffing costs and administration costs associated with the implementation of the statutory duties required to be carried out under the Gambling Act 2005. These costs have been included in this year's budget and future budget assessments.

6. RECOMMENDATIONS

- 6.1 That, subject to officers being authorised to correct any typographical errors and ensure consistency in the use of terminology, the policy document, in so far as it relates to the executive function (policy not to permit casinos), as attached at Appendix 2 to this report be adopted as the Council's Statement of Principles under the Gambling Act 2005.

For further information contact:

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Background Papers:

GP&L Committee Minutes
16 June 2006

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Amendments to draft Statement of Principles / Policy

The following pages contain a complete a list of additions, amendments or requested changes to the draft policy.

N.B: Full details of persons requesting the change etc are not shown on this page to protect confidentiality, but are retained by the Licensing Manager of New Forest District Council.

<u>Number</u>	<u>Details of request, change or amendment</u>	<u>Originator of request</u>	<u>Outcome with reasons</u>
1.	Extend the definition of vulnerable person beyond that stated by the Gambling Commission	Money Advice Trust & National Debtline	Included in policy on pages 5 - 6
2.	All policies add a clause requiring suppliers of gambling services to provide relevant information for support services to vulnerable persons	Money Advice Trust & National Debtline	LACORS advise that Gambling Commission's draft Code of Practice covers a similar topic which would be automatically classed an operating condition. Therefore, not necessary to include in policy
3.	Grant of additional permits and supervision of machines. Under new regime, operators applying for additional machine permits will need to comply with Commissions Code of Practice which will	British Beer & Pub Association	Gambling Commission's Code of Practice would be automatically classed an operating

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3. contd	replace BBPA Code. BBPA wished for this to be stated in policy		condition. Therefore, not necessary to include in policy
4.	Application for more than two machines. BBPA state that some Councils are taking the view that they will grant up to 4 machine permits without the need for a hearing. Would like this included in policy	British Beer & Pub Association	Advice sought from LACORS
5.	Details for transitional arrangements to be made available in policy or elsewhere.	British Beer & Pub Association	Not suitable for inclusion in policy. Will include on web site as details become available. Also written to all licensees advising them of policy and how to obtain information as it becomes available
6.	Responsible authorities to be listed in detail in policy to assist persons without web access. Similar for protocols on Exchange of Information	Elected Member from NFDC Licensing Committee	LACORS advice is that policy should be high level document and not repeat information contained elsewhere. Paragraph in policy amended to detail how to obtain information from NFDC for those without web access (pages 11 &14)
7.	Clarity required on who will conduct the hearing for a review of a premises licence	Elected Member from NFDC Licensing Committee	Policy amended on page 20 to show licensing panel
8.	Tracks. Policy stated there are no tracks within the council area whereas there are tracks	Elected Member from NFDC Licensing	Enquiries reveal no betting takes place.

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8 cont'd	in area	Committee	Policy amended on page 25 to show no betting takes place
9.	Mistake in policy in assuming that children can enter bingo premises?	Bingo Industry via LACORS	<p>Gambling Commission guidance doesn't say that children cannot enter bingo premises only that they cannot take part in gambling other than Cat D machines</p> <p>No change to policy required</p>

British Association of Leisure Parks, Piers & Attractions comments on LACORS draft Statement of Principles template

Subject matter	BALPPA's comment	LACORS / LACORS policy officer comment
Separation of licensed areas.	For theme parks it is hard to separate licensed areas as the machines are moved around (category D).	LACORS policy officer believes this is likely to be an area for the Gambling Commission conditions or codes of practice, or be contained within mandatory / default conditions.
Entrances from other licensed premises.	Entrances are not necessarily directly from the street as the theme parks may have an Adult Gaming Centre and a Family Entertainment Centre within it.	LACORS policy officer believes this is likely to be an area for the Gambling Commission conditions or codes of practice, or be contained within mandatory / default conditions.
Matters which may concern a local authority re. permit for unlicensed family entertainment centre e.g. truancy.	Theme parks often don't allow unaccompanied children in during school hours.	Interesting to know. Some local authorities will be ensuring operators have copies of term timetable.
CRB checks for staff.	CRB checks are generally in place at play centres in any case.	LACORS policy forum agreed that requirements for CRB checks for staff at 'unlicensed' family entertainment centres may not be appropriate nor practical. However, the point about play centres is good to know.
Anti-social behaviour at premises.	Operators sometimes call the police for anti social behaviour in/around their premises from youngsters. They are concerned that this will be used as evidence 'against' them.	LACORS policy officer stated that it is her understanding that the authority would want to work with the operator to suggest ways of preventing / dealing with such situations rather than 'penalising' the operator as such. For example, playing classical music is said to deter teenagers!
Door supervision & Self-exclusion schemes.	This cannot surely be appropriate for Family Entertainment Centres.	LACORS policy officer agreed that this was highly unlikely.
Would like a definition of what 'artificially separated' is.	A definition or examples e.g. a plant or curtain is not acceptable.	LACORS Policy Forum considered the matter and believes that this must be

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		decided on a case by case basis and should not be further elaborated in Statements of Principles.
Location of schools	What if an operator exists and then a school is built near? Is the authority going to try to close the operator down?	LACORS policy officer stated that local authorities will have their own policies as regards any areas they think are unsuitable for certain types of premises. However if the operator already has a business then it would be a serious consideration as it could be argued that it would take away the operator's right to earn a living. The Policy Officer thought the example was highly unlikely to occur.
ATMs – no commercial agreement between operator and cash machine supplier.	Proprietor usually has a financial agreement with the supplier.	LACORS has been told that enforcement for this will not sit with licensing authorities but will be the Gambling Commission's remit.

Association of British Bookmaker's comments on LACORS draft Statement of Principles

Subject matter	ABB comment	LACORS / LACORS policy officer comment
Local authority discretion	Believes that it is wider than just the licensing objectives and could cover other matters in public interest such as layout of the shop, provision for disabled, location and over-concentration.	LACORS cannot promote this suggestion. If individual local authorities wish to take the legal risk of applying a wider discretion then that is for them to decide.
Shall permit	Should be aim to permit	Noted. Will check legislation and amend template if required.
Section 153 should be fully quoted	Section 153 should be fully quoted	Noted, will consider amending template. Not considered necessary otherwise every section quoted would need to be replicated in policy which is against the general principles of the document
Location	The burden should not be on the applicant.	LACORS believes it is perfectly acceptable for a licensing authority to have a policy as regards certain premises not being suitable for certain areas. This is certainly referred to in the Gambling Commission's Guidance. There would then need to be an opportunity given to any applicant wishing to demonstrate that this policy should not be applied to his/her individual case. Thus ensuring that the policy is not a rigid rule.
Licensing objectives	Licensing objectives are subordinate to the Guidance and Codes as listed beneath them in Section 153.	LACORS needs to consider further whether the ordering of the list indicates supremacy of the items.
Possibility of requiring door supervisors	It would be a very rare case for door supervisors to be required for betting shops. Supervision of the shop can take place from the counter.	LACORS maintains that there is the discretion for local authorities to require door supervisors but this is only where they are seen to be required.
Re-siting of premises	Local authorities should welcome re-siting of premises if the reason is to enhance the	LACORS cannot promote this approach as it does not necessarily relate to the

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	quality of the facility provided.	licensing objectives. Individual authorities may though take their own views on the matter.
Betting machines	Include a statement that the authority will only limit the number of betting machines where there is, or likely to be, a breach of the licensing objectives. And that the authority will consider if the machines can be monitored by staff from the counter.	LACORS does not believe that the proposed amendment as regards the licensing objectives is required as the template is written on the basis that these are key to decision making. The consideration of whether the staff can monitor the machine may well be a consideration, however, we believe it is better at this stage to await the final codes of practice from the Gambling Commission and the Mandatory / Default conditions before commenting in any more detail on this aspect.
Tracks should be able to obtain a premises licence to cover their entire site.	Tracks should be able to obtain a premises licence to cover their entire site rather than having to obtain separate ones for all the units especially as some areas are not self-contained.	LACORS template does not rule this option out but it does quote the Gambling Commission's preference for self-contained units. Local authorities will clearly make their own decision based upon the applications they receive. We advise your track members to talk early with their local authority licensing officers to ensure applications can be processed smoothly and efficiently.
CCTV, door supervisors and physical separation of areas is often unworkable for tracks.	CCTV, door supervisors and physical separation of areas is often unworkable for tracks.	LACORS template merely offers some options. The most recent version states: <i>"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:...</i> <i>This list is not mandatory, nor exhaustive, and is merely indicative of example measures."</i> Again, we advise your track members to talk early with local authority officers to ensure applications can be processed smoothly and efficiently.

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Definition of premises	ABB does not believe that premises is 'any place'.	Comparisons with the Licensing Act 2003 are potentially not helpful as the Licensing Act 2003 introduced the idea of the plan only showing the 'licensed premises' rather than just the premises. Suggest that this issue will hopefully not become a contentious one in practical terms.
Unfinished premises	ABB state that there is no legal requirement for an unfinished building to have apply for a provisional statement and ABB believe a premises licence can be applied for. ABB also believes that the premises does not need to await being read ready to be used for gambling but that the licence could be granted prior to fitting out.	LACORS will consider this matter further via its Gambling Reform Policy Forum and the final Gambling Commission guidance to local authorities.
Inspection should be risk based and not standard	Inspection should be risk based and not standard	The template states this.



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STATEMENT OF PRINCIPLES

This Statement of Principles has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these documents impact later upon the content of this document it will need to be considered and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.

This Statement of Principles will remain
in force from 31st January 2007 until 30th January 2010

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**NEW FOREST DISTRICT COUNCIL
GAMBLING ACT 2005
SECTION 349**

Statement of Principles

The contents of this document are provided as information on the policy and principles of New Forest District Council in carrying out its functions in relation to the regulation of gambling. The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice.

The Statement of Principles as determined by New Forest District Council in respect of its licensing functions in relation to the Gambling Act 2005 for the three year period commencing 31st January 2007 is set out in this document. During the three year period, the document will be kept under regular review and, following a full consultation process, the Council will make such revisions to it, at such times, as it considers appropriate. Further statements of principles will be published every three years thereafter.

Advertising

Before publishing a statement or revision, New Forest District Council will publish a notice of their intention to do so, no less than two weeks before the statement or revision is to be published. The notice will:

- a) specify the date on which the statement or revision is to be published;
- b) specify the date on which the statement or revision will come into effect;
- c) specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected; and
- d) be published on the authority's website and in/on one or more of the following places:
 - A local newspaper circulating in the area covered by the statement;
 - A local newsletter, circular, or similar document circulating in the area covered by the statement;
 - A public notice board on or near the principle office of the authority;
 - A public notice board on the premises of public libraries in the area covered by the statement.

Publication

This statement or any subsequent revision of the statement will be published on the New Forest District Council website (www.nfdc.gov.uk). The statement or any subsequent revision of the statement is also available for inspection at the following locations:

New Forest District Council Offices at Appletree Court, Lyndhurst,

New Forest District Council Offices at Lymington

New Forest District Council Information Centres

Declaration

In publishing this document, New Forest District Council has had regard to the licensing objectives of the Gambling Act 2005 (the Act), the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

The Act introduced a new regulator for commercial gambling, the Gambling Commission, which replaced the Gaming Board of Great Britain. Operators licences and personal licences are issued and regulated by the Gambling Commission whilst local authorities are responsible for the issue and regulation of premises licences, and other permits.

The Act places responsibilities on licensing authorities in ways similar to the Licensing Act 2003. There are some interdependencies between the Licensing Act 2003 and the Gambling Act 2005 in terms of the framework for decision making and the procedures that must be followed. However New Forest District Council will take care to ensure that in dealing with applications under the Gambling Act they follow the procedures that the Gambling Act 2005 requires and only take into account issues that are relevant to that Act. Care will be taken not to confuse Gambling Act considerations with those relevant to alcohol licensing or planning.

When using this document, reference should also be made to the Gambling Act 2005, any associated regulations and any guidance and advice issued by the Gambling Commission or the Department of Culture, Media and Sport and information contained on the New Forest District Council web site (www.newforest.gov.uk)

PART A

Licensing Objectives

In exercising most of the functions under the Gambling Act 2005, New Forest District Council must have regard to the licensing objectives contained in that Act. In particular it must have regard to the licensing objectives when exercising its functions in relation to premises licences, temporary use notices and some permits. 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

It should be noted that in considering gambling applications, these objectives are not the same as those in the Licensing Act 2003. In particular, they do not include considerations in relation to public safety or prevention of public nuisance.

The Gambling Commission will play a leading role in preventing gambling from being a source of crime. New Forest District Council will also need to consider the location of premises in the context of preventing gambling from being a source of crime or disorder. In this context, disorder means activity that is more serious and disruptive than mere nuisance and New Forest District Council will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

In ensuring that gambling is conducted in a fair and open way, New Forest District Council has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document. Also, where appropriate, New Forest District Council will pay attention to the information that is made available to customers using gambling facilities that are regulated by permits.

The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling. New Forest District Council will therefore 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. New Forest District Council will also need to consider the location of premises in the context of protecting children and vulnerable persons.

Notwithstanding and advice or guidance from the Gambling Commission, for the purposes of this policy, vulnerable persons would be defined as individuals who, from a common sense perspective, a provider of gambling services would be expected to

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assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem or the effects of alcohol or drugs.

Introduction to New Forest area

The New Forest is situated in the south west corner of the County of Hampshire, between the urban areas of Southampton and Bournemouth and bounded by the Solent. One of the most striking features of the Forest is the open expanse of semi-natural vegetation at its heart with much of the open forest owned and cared for by the Forestry Commission, working in conjunction with a wide range of other statutory bodies and interest groups. The New Forest has National Park status. There is also a network of small and attractive towns and villages throughout the area.

Tourism is a major part of the local economy and every year approximately 22 million visits are made to the area. Many people come on a regular basis to enjoy the freedom and tranquillity of the forest area.

The New Forest faces many challenges if its special character is not to be eroded by the modern day pressures of people, housing, industry and traffic. It has a number of premises conducting gambling activities as follows:

21 betting offices

1 entertainment centre

Approximately 700 alcohol licensed premises

Approximately 50 members clubs

At the time of publication there are no bingo halls, tracks or casinos within the New Forest District Council area.

The Council recognises that legal gambling in a fair and open way, with suitable protection for vulnerable persons, is an important part of the district and contributes to the local economy and attention is drawn to the section 'Fundamental Principles' regarding demand, objections and locations for any application for gambling premises.

INSERT MAP(S) OF AREA

Consultation on the statement of principles

New Forest District Council consulted the following on this statement:

- 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 New Forest 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, namely
- Responsible authorities

A full list of consultees can be obtained from Licensing Services, New Forest District Council

New Forest District Council will also consult the above for any subsequent revision of the statement

In determining its policy, New Forest District Council will always:

- Have regard to the Gambling Commission Guidance to Licensing Authorities
- Give appropriate weight to the views of those it has consulted

In determining what weight to give to particular representations on its statement, the factors taken into account will always include:

- Who is making the representation in terms of their expertise or interest;
- What their motivation may be for their views;
- How many other people have expressed the same or similar views;
- How far the representations relate to matters that the licensing authority should be including in its policy statement

It will be for New Forest District Council to ensure that it looks at the views of consultees and considers carefully whether they should be taken into account, and to what extent (having regard to the above factors). New Forest District Council will always give reasons for the decisions it has made following consultation, details of which can be viewed on the New Forest District Council web-site or by contacting the Licensing Section at Appletree Court, Lyndhurst.

Any comments as regards this policy should be sent to:

Licensing & CCTV Manager
Community Services
New Forest District Council
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

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E mail: martyn.powell@nfdc.gov.uk

Fundamental Principles

In carrying out its functions, New Forest District Council will regulate gambling in the public interest and will have regard to the guidance issued under section 25 of the Act. With the exception of premises licensing and temporary use notices, New Forest District Council may use its discretion where there are strong and defensible reasons for departing from the guidance, and New Forest District Council consider it right to do so. In any such case New Forest District Council will clearly express and explain its reasons for doing so.

This statement of policy does not override the right of any person to make an application under the Act and to have that application considered on its merits. Additionally, this statement of policy does not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

The policy will not comment on the need for gambling premises. Unmet demand is not a criterion in considering an application for a premises licence, and each application will be considered on its merits without regard to demand.

The location of premises will only be commented on in so far as the location relates to the licensing objectives. New Forest District Council will consider very carefully applications for premises licences, permits and other authorities in respect of certain gambling premises that are located close to:

- Schools and young persons establishments
- Young offenders premises
- Centres established for assisting persons with a gambling addiction
- Vulnerable adult centres
- Residential areas where there are a high concentration of families with children

Each application will be considered on its merits, and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will be taken into account when reaching a decision on whether or not to grant a licence..

Moral objections to gambling will not be a reason to reject an application for premises licences. In rejecting an application, New Forest District Council will rely on reasons that demonstrate that the licensing objectives are not being met.

Responsible authorities and interested parties

When dealing with applications for and reviews of premises licences, New Forest District Council are obliged to consider representations from two categories of persons, referred to as “**responsible authorities**” and “**interested parties.**” (It should be noted that 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.

New Forest District Council will only consider representations that are relevant, which are likely to be those that relate to the licensing objectives, or that raise issues under this policy statement, or the Commission’s guidance or codes of practice (i.e. those matters mentioned in section 153 of the Act).

New Forest District Council will examine closely all representations to ensure that they are not frivolous or vexatious, which will include:

- Who is making the representation, and whether there is a history of making representations that are not relevant;
- Whether it raises a ‘relevant’ issue; or
- Whether it raises issues specifically to do with the premises that are the subject of the application.

“**Responsible authorities**” are public bodies that must be notified of applications by the applicant. The full list and contact details are contained on the New Forest District Council web-site or can be provided by New Forest District Council Licensing Services.

New Forest District Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority’s area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

New Forest District Council has designated the Local Safeguarding Children Board as the body which is competent to advise the authority about the protection of children, as the Board leads and co-ordinates arrangements for responsive work to protect children via a multi agency approach.

New Forest District Council will take care to ensure that the concerns that responsible authorities may have in relation to their own functions are not taken into account if they are not relevant to the application for a premises licence under the Act. The following are examples of representations not likely to be considered relevant:

- that there are already too many gambling premises in the locality (although may be relevant if it points to rising problems in crime, underage gambling or problem gambling);

- that the proposed premises is a fire risk;
- that the location of the premises is likely to lead to traffic congestion;
- that the premises will cause crowds of people to congregate in one area, which will be noisy and a nuisance

This list is not exhaustive and each case will be decided on the facts.

New Forest District Council will be unlikely to turn down an application for a premises licence where relevant objections can be dealt with through the use of conditions attached to the licence.

“Interested parties” are persons who may make representations. New Forest District Council must be able to take the view that the “interested party”:

- 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.

Interested parties can be persons who are democratically elected such as councillors and MP’s. 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. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that 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.

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 the licence application. If there are any doubts then please contact Democratic Services of New Forest District Council at Appletree Court, Lyndhurst.

New Forest District Council will take the following factors into account when determining what is “*sufficiently close to the premises*”:

- 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 (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant. This will not include the personal character of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.

New Forest District Council will take the following factors into account when determining who are “*persons with business interests that could be affected*”

- the size of the premises

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- the catchment area of the premises i.e. how far persons travel to visit; and
- whether the person making the representation has business interests in that catchment area that might be affected

New Forest District Council is unlikely to consider arguments from one gambling business making representations that they could be affected by another gambling business expanding into any part of the country. New Forest District Council must be satisfied that the relevant business is likely to be affected by considering the above factors.

New Forest District Council considers the following to be “*persons representing those*” in the above categories:

- Elected Members acting at the express and unsolicited request of interested parties,
- Residents and tenants associations **,
- Trade unions and trade associations **

However, New Forest District Council will not view these bodies as persons representing interested parties unless they have a member who can be classed as an interested person under the Act i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

The above considerations are not exhaustive, and New Forest District Council will have regard to anything an interested party, or persons representing them, say about his or her status to make representations.

Admissible and relevant representations can be made in writing to the Licensing Section of New Forest District Council at Appletree Court, Lyndhurst.

Exchange of Information

New Forest District Council will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation 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 the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

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

Should any protocols be established as regards information exchange with other bodies then they will be made available on the New Forest District Council web-site www.newforest.gov.uk or by contacting New Forest District Council Licensing Services Dept

Compliance and Enforcement

The main enforcement and compliance role for New Forest District Council will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences it issues, and also the manufacture, supply or repair of gaming machines.

New Forest District Council will act in accordance with relevant legislation and guidance from the Commission and adopt the principles of better regulation.

Should any protocols be established as regards information exchange with other bodies then they will be made available on the New Forest District Council web-site www.newforest.gov.uk or by contacting New Forest District Council Licensing Services Dept.

New Forest District Council will adopt a risk-based inspection programme, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk premises.

In determining the level of risk in respect of premises, New Forest District Council will use the following criteria:

All regulatory inspections and enforcement will 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.

New Forest District Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

New Forest District Council Functions

New Forest District Council 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
- Grant *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 that are issued under these functions

New Forest District Council will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.

PART B

Premises licences

Consideration of applications

New Forest District Council will aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice under section 34 of the Gambling Act 2005;
- in accordance with any relevant guidance issued by the Commission under section 25 of the gambling Act 2005;
- reasonably consistent with the licensing objectives; and
- in accordance with this statement of licensing policy

New Forest District Council will have no discretion to grant a premises licence in circumstances where that would mean departing from the above.

Also see the 'Fundamental Principles' section of this policy.

Conditions on premises licences

New Forest District Council will not attach conditions that limit the use of premises for gambling except where that is necessary as a result of the requirement to act:

- in accordance with the Gambling Commission guidance, the Gambling Commission codes of practice or this policy statement; or
- in a way that is reasonably consistent with the licensing objectives

New Forest District Council cannot issue conditions on premises licences which:

- make it impossible to comply with an operating licence condition;
- relate to gaming machine categories, numbers, or methods of operation;
- requires membership of a club or body; and
- imposes conditions in relation to stakes, fees, winnings or prizes

New Forest District Council will take decisions on individual conditions on a case-by-case basis, but against the background of any policy set out in this document or Gambling Commission guidance.

New Forest District Council will ensure that any conditions imposed are proportionate to the circumstances which they are seeking to address, and will ensure that any premises licence conditions:

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

Decisions upon individual conditions will be made on a case by case basis, although 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 the way in which the licensing objectives can be met effectively.

This authority will also ensure that 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 that 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 that access to the area is prohibited to persons under 18.

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

New Forest District Council will carefully consider the configuration of buildings in relation to the protection of children, particularly in multi-purpose developments. In particular New Forest District Council will look for measures that:

- prevent children from participating in gambling, or being invited to gamble where this is not permitted by law;
- prevent children from having accidental access to, or to closely observe, gambling; and
- entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised.

New Forest District Council may require persons operating gambling premises to:

- supervise entrances;
- segregate gambling areas from non-gambling areas frequented by children;
- supervise gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives

Planning permission and building regulations

New Forest District Council recognises that there should be a clear separation of the planning and licensing systems and licensing applications will be viewed independently of planning applications. To achieve this, close liaison will be maintained between the General Purposes and Licensing and Planning Development Control Committees ("GPLC" and "PDCC"). Licensing applications are not a re-run of the planning application and should not cut across decisions taken by the PDCC or following appeals against decisions by that Committee. The GPLC, where appropriate, will provide reports to the PDCC and any appropriate review panels on the situation regarding licensed premises in the area including the general impact of gambling on the licensing objectives.

New Forest District Council will not take into account matters not related to gambling and the licensing objectives, such as the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal. However, an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed, but may apply for a provisional statement if the building is not yet complete.

It will be a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence.

Other legislation

New Forest District Council 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 that premises comply with all other relevant legislation, such as fire safety, food safety and health & safety. It should be noted that the list is not exhaustive, and applicants must ensure that they comply with all other regulatory regimes in respect of their employees and the public.

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

Reviews of premises licences

The purpose of a review will be to determine whether New Forest District Council should take any action in relation to a licence. If action is justified, New Forest District Council will have the following options:

- revoke the licence;
- suspend the premises licence for a period not exceeding three months;
- exclude a default condition imposed by the Secretary of State, or remove or amend such an exclusion; and
- add, remove or amend a licence condition imposed by the licensing authority.

In determining what action, if any, should be taken following a review, New Forest District Council must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

An application for a review may be made by a responsible authority, an interested party or the authority itself. Generally, New Forest District Council must grant the application for a review, but may refuse it if it thinks that the grounds on which the review is sought:

- a) are not relevant to the principles that must be applied by New forest district Council in accordance with the Commission guidance/codes of practice, this policy statement or the licensing objectives;
- b) raises general objections to gambling as an activity, that is likely to be irrelevant to the principles contained in a) above;
- c) the grounds are frivolous;
- d) the grounds are vexatious;
- e) the grounds will certainly not cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- f) are substantially the same grounds cited in a previous application relating to the same premises. New Forest District council will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
- g) are substantially the same as representations made at the time the application for a premises licence was considered. As with f) above, New Forest District council will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence, but the underlying requirement will be that the licence should not be reviewed on the basis of the same arguments considered on the grant of the premises licence.

New Forest District Council will process applications for review without delay, so that both the applicant for a review and the premises operator know where they stand.

New Forest District Council will hold a licensing panel hearing unless the applicant and any person who has made relevant representations consent to the review being conducted without one.

Gambling Act 2005
Statement of Principles

New Forest District Council will, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

Provisional Statements

New Forest District Council will consider provisional statement applications from persons in respect of premises that:

- are expected to be constructed;
- expected to be altered; or
- expected to be acquired as a right to occupy

Responsible authorities and interested parties may make representations on applications for provisional statements

Once the premises have been constructed, altered or acquired, the holder of a provisional statement can return to New Forest District Council and put in an application for the necessary premises licence.

If a provisional statement has been granted, New Forest District Council is constrained in the matters it can consider when an application for a premises licence is made subsequently in relation to the same premises:

- no further representations from relevant authorities or interested parties will 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

New Forest District Council 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 licence stage; or
- b) which in New Forest District Council's opinion reflect a change in the operator's circumstances.

Adult Gaming Centres

New Forest District Council 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, for example, ensure that under 18 year olds do not have access to the premises.

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.

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

Licensed Family Entertainment Centres

New Forest District Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives 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
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

This licensing authority will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences when published.

Tracks

Currently, there are no tracks within the New Forest District Council area where betting takes place. However, the following are issues that would need to be considered should an application be received.

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

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

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
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

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

Betting machines – New Forest District Council 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.

Condition on rules being displayed - The Gambling Commission has advised in its Guidance for 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."

Applications and plans - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

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

Casinos

There are no casinos or proposed casinos within the New Forest District Council area. Accordingly, this licensing authority has not considered its right to pass a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

This will be reviewed at three yearly intervals or sooner should the above criteria warrant a revision of the resolution.

Casinos and competitive bidding – New Forest District Council is aware that 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 run 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 issued under the Gambling Act 2005 .

Licence considerations / conditions - The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for local authorities - 17.30) This guidance will be considered by this licensing authority when it is made available.

Betting machines - This licensing authority will, as per 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.

Bingo Premises

New Forest District Council note that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted New Forest District Council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This licensing authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

Betting premises

Betting machines – New Forest District Council will 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.

Travelling Fairs

It will fall to New forest District Council 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.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

Part C

Permits

Unlicensed Family Entertainment Centre gaming machine permits

Where a premise 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 that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

New Forest District Council need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

New Forest District Council cannot attach conditions to this type of permit.

Statement of Principles

New Forest District Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. 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.

New Forest District Council will also expect that

- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

(Alcohol) Licensed premises gaming machine

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify New Forest District Council. 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

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and New Forest District Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that 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.

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

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

Prize Gaming Permits

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.

Statement of Principles

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

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

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that 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 that 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.

Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) 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 forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Before granting the permit, New Forest District Council will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

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.

New Forest District Council may only refuse an application on the grounds that:

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

There is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the 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) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

Temporary Use Notices

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to New Forest District Council to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site.

Occasional Use Notices

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

MISCELLANEOUS

Rights of appeal and judicial review

New Forest District Council is aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. It also recognises that failure to give reasons for a decision may compel a person to appeal. New Forest District Council 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

An appeal has to be commenced by the giving of a notice of appeal by the appellant to the local magistrate' court within a period of 21 days beginning with the day on which the appellant was notified by New Forest District Council of the decision to be appealed against.

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.

Other matters

In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the New Forest District Council web site (www.newforest.gov.uk) or by contacting Licensing Services at New Forest District Council:

- Register of premises licences issued by New Forest District Council
- 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

New Forest District Council Delegations

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)			x
Application for premises licence		Where representations have been received and not withdrawn	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
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	