

London Borough of Richmond upon Thames

DRAFT STATEMENT OF PRINCIPLES Under the Gambling Act 2005

Consultation Draft

This Statement of Principles has been drafted prior to the publication of all expected guidance and regulations.

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PART A

INTRODUCTION

1. The Licensing Objectives

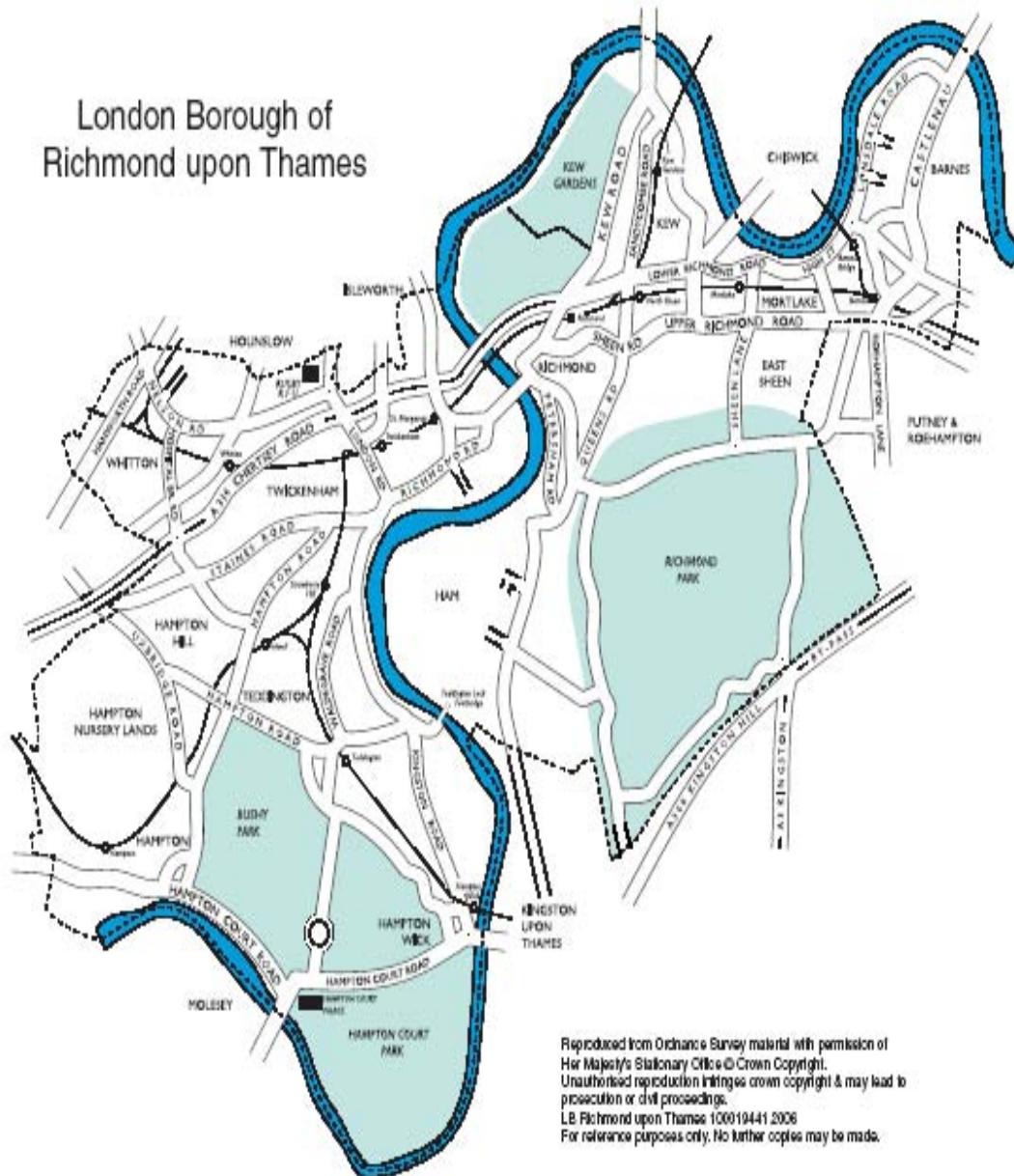
1.1 In exercising most of its functions under the Gambling Act 2005 ('the Act'), the licensing authority must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

2. Borough Profile

- 2.1 The London Borough of Richmond upon Thames is situated in southwest London. The borough covers 5095 hectares and is the only London borough spanning both sides of the Thames with river frontage of over 21 miles. The population at the last revised mid year estimate for 2003 produced by the Office for National Statistics was 179,211.
- 2.2 There are about a dozen towns and villages, although more than a third of its land is open space (including Richmond Park, Bushy Park and Kew Gardens). Richmond is the main centre with district centres at Twickenham, East Sheen, Teddington and Whitton.
- 2.3 This is an affluent area though it contains some pockets of relative deprivation. The economy is generally buoyant with low unemployment. The service sector employs 90% of the boroughs workforce, comprising of 29% working within financial and professional services and 27% within distribution, hotels and restaurants.
- 2.4 Property prices are extremely high, with average prices being the highest for any outer London borough. Owner occupation accounts for 69% of the housing stock.
- 2.5 The proximity of the M3, M4 and M25 provide good road communications. With Heathrow nearby international communications are also good.
- 2.6 All these factors contribute in making the Borough a popular place to live, work and to enjoy leisure time in.

London Borough of Richmond upon Thames



3. Statement of Principles

- 3.1 This Statement of Principles is published in accordance with s349 of the Act and states the principles that the licensing authority proposes to apply when exercising its functions under the Act. The licensing authority must publish its Statement of Principles at least every three years and may review this statement from time to time.
- 3.2 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives under the Act, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.
- 3.3 The policy was approved at a meeting of the Full Council on X date and was published via our website on X date. Copies are available in the public libraries.

4. Consultation

- 4.1 Under the Act, the licensing authority are required to consult the following parties:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

4.2 The licensing authority has consulted

- The Chief Officer of Police
- The Council's Children and Families Department of Social Services
- Trade associations
- Residents associations
- Businesses or their representatives involved in gambling
- Ward Councillors and local Members of Parliament
- Faith groups

A summary of the consultation comments will be made available upon request and placed onto the Council's website (www.richmond.gov.uk) and the offices of the licensing authority at Parkshot, Richmond, in due course.

In determining its policy, the licensing authority has given appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors taken into account included:

- the expertise or interest of those making the representations;
- any acknowledged or ostensible motivation for the views expressed;
- how far the representations related to matters that the licensing authority should be including in its policy statement.

In all cases, the licensing authority has considered its role in the regulation of gambling from the perspective of the public interest.

4.3 The consultation took place between 28 July and 20 October 2006.

5. Individual Merits

- 5.1 This policy statement 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 in accordance with the requirements of the Act.

6. Exchange of Information

- 6.1 The licensing authority is required by regulation to include in its 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 principle that the licensing authority applies is that it will act in accordance with the provisions of the Act in its exchange of information including the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published and to any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 6.3 Should any protocols be established regarding information exchange with other bodies then they will be made available.

7. Enforcement

7.1 The licensing authority is 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 The licensing authority's principles are that it will be guided by:

- The licensing authority's Enforcement Policy Quality Procedure, as amended from time to time. A copy is available via the Council's website (www.richmond.gov.uk) and the offices of the licensing authority at Parkshot, Richmond.
- The Gambling Commission's Guidance. The licensing authority will endeavour to be:
 - (a) Proportionate (regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and cost identified and minimised)
 - (b) Accountable (regulators must be able to justify decisions, and be subject to public scrutiny)
 - (c) Consistent (rules and standards must be joined up and implemented fairly)
 - (d) Transparent (regulators should be open, and keep regulations simple and user friendly)
 - (e) Targeted (regulation should be focused on the problem, and minimise side effect)

7.3 Furthermore, the licensing authority will also adopt a risk-based inspection programme. The risk-based inspection programme will have particular regard to the need for the protection of children and other vulnerable persons from being harmed or exploited by gambling.

7.4 The main enforcement and compliance role for this licensing authority in terms of the Act will be to ensure compliance with the premises licences and other permissions that it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. Concerns about 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 This licensing authority will also keep itself informed of developments in relation to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8. Duplication

8.1 This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a premises licence application is likely to be awarded planning permission or building regulations approval.

9. Licensing Committee & Scheme of Delegation

9.1 The Licensing Committee will consist of at least ten, but not more than fifteen, members of the authority. The licensing committee may delegate its functions to sub-committees or to officers supporting the licensing authority. Delegation shall occur in accordance with s154 of the Act, as summarised in the Scheme of Delegation attached at Appendix A.

10. Licensing Authority functions

10.1 The licensing authority's functions are to:

- 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) for 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 there are more than two machines
- 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

10.2 Licensing authorities will not be involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

10.3 Fees will be prescribed for certain applications under the Act. Once regulations have prescribed the levels of these fees, they will be available on the website (www.richmond.gov.uk)

11. Gaming Machines and Age Restrictions

11.1 "Gaming machines" means "a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes)." There are four classes of gaming machines, with maximum stakes and prizes, as shown below at Table 1.

Table 1 – Category of Machines

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

11.2 The premises licence or permit will state the maximum number and category of machines allowed, as prescribed under the Act. Please refer to Appendix A for an aide memoir.

11.3 There is a minimum age of 18 for all players for all category A, B and C machines. There is no minimum age for players of category D machines. However, the Secretary of State has a reserve power to set a minimum age for playing category D machines with an associated power to exempt certain machines like 'cranes' and 'penny pushers'.

12. Contact Details

12.1 Any comments regarding this statement of principles may be sent by email or letter to:

Licensing Authority
7b Parkshot
Richmond
TW9 2RT
licensing@richmond.gov.uk

PART B(i)

PREMISES LICENCES: GENERAL PRINCIPLES

13. Introduction

13.1 Where an individual or company proposes to offer gambling for which an operating licence (issued by the Gambling Commissioner) is required, and which is premises based, that individual or company must also apply for a premises licence. The form to be used in making the necessary application (when prescribed) will be found on the council's website at: www.richmond.gov.uk. Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated.

13.2 In accordance with s153 of the Act, in respect of premises licences the licensing authority shall **aim to permit** the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing policy.

13.3 There are five different types of premises licences:

- Casino premises licence (regional, large and small)
- Bingo premises licence
- Adult gaming centre premises licence
- Family entertainment centre premises licence
- Betting premises licence

13.4 Where an application is made to the licensing authority for a premises licence, an interested party or responsible authority may make representations in writing to the licensing authority.

13.5 The licensing authority must hold a hearing if:

- an interested party or responsible authority has made a representation (and not withdrawn);
- the authority propose to attach a condition to the licence; or
- the authority propose to exclude a default condition that would otherwise be attached to the licence.

However, the licensing authority may determine an application for a premises licence without a hearing with the consent of the applicant and any interested parties or responsible authorities, or if the authority thinks that the representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application.

13.6 On considering an application for a premises licence (whether at a hearing or not) the licensing authority shall either grant it or reject it. Conditions may be attached to premises licences (see section 19 below). In so doing the licensing authority shall consider each individual application on its merits, to the extent that this is required by law.

14. Definition of "Premises"

14.1 Section 353 of the Act defines "premises" as "any place" and, in particular, may include –
(a) a vessel, and
(b) a vehicle.

14.2 Section 152 prevents more than one premises licence applying to any place. 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 that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. In considering such issues, the licensing authority will have due regard to the Gambling Commission's Guidance.

- 14.3 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence.

15. Location of Gambling Premises

15.1 The licensing authority will pay particular attention to the licensing objective of the protection of children and vulnerable persons from being harmed or exploited by gambling. The licensing authority will consider very carefully whether applications for premises licences in respect of gambling premises which are located in close proximity to a school, a centre for gambling addicts, or a residential area where there is a high concentration of families with children, should be granted in light of the aforementioned objective. Each case will be decided on its merits, and the outcome 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 any licensing objective concerns can be overcome, that will be taken into account by the authority in arriving at its decision.

15.2 Should any specific policy be decided upon regarding areas where gambling premises should not be located, this statement will be updated.

15.3 It should be noted that this policy on location, or any future policy on areas where gambling premises are not suitable, does not preclude any application being made for such locations or areas, as each application will be decided on its merits, with the onus being upon the applicant to show how the potential concerns can be overcome.

16. Responsible Authorities

16.1 Responsible authorities may make representations about premises licence applications or provisional statements or apply for a review of an existing premises licence (subject to any conversion rights for existing licences).

16.2 The Responsible authorities under s157 of the Act are as follows:

- Licensing Authority
- Gambling Commission
- Chief Officer of Police
- Fire and Rescue Authority (London Fire and Emergency Planning Authority)
- Local Planning Authority (Planning (Development Control) Department of the Council)
- Authority which has functions in relation to pollution to the environment or harm to human health (Commercial Environmental Health Department of the Council)
- Competent person to advise about the protection of children from harm (Specialist Children Services of the Council)
- HM Revenue & Customs; and
- Any other person prescribed in regulations by the Secretary of State

In relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it

is proposed to be navigated at a time when it is used for licensable activities. This would include:

- (a) Environment Agency;
- (b) British Waterways Board; and
- (c) Secretary of State (In practice, the Secretary of State for Transport who acts through the Maritime and Coastguard Agency)

16.3 The licensing authority 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.

This authority designates the Specialists Children's Services of the Council.

16.4 The contact details of all the responsible authorities under the Act are available via the Council's website at: www.richmond.gov.uk

17. Interested Parties

17.1 Interested parties may make representations about premises licence applications or provisional statements or apply for a review of an existing premises licence (subject to any conversion rights for existing licences).

17.2 An interested party, in accordance with s158 of the Act, is a person who:

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

17.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each application will be decided upon its merits. This authority will not apply a pre-determined rigid rule to its decision-making. However, the following provisions may, in a suitable case, provide some guidelines:

Persons living close to the premises

The factors that the licensing authority will take into account when determining what "sufficiently close to the premises" means might include the:

- Size of the premises;
- Nature of the premises;
- Distance of the premises from the location of the person making the representation;
- Potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- Circumstances of the complainant.

Persons with business interests that could be affected

The factors that the licensing authority will take into account when determining what “persons with business interests that could be affected” means might include:

- the size of the premises;
- the ‘catchment’ area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area, that might be affected.

Persons representing those in the above categories

This may include democratically elected representatives such as local councillors and Members of Parliament, and bodies such as trade associations and trade unions, residents and tenants’ associations. Whilst no specific evidence of being asked to represent an ‘interested party’ will be required, it will be necessary to show that the ward, constituency, or member of the association / union will be affected.

In other cases, this authority will generally require written evidence that a person ‘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 will be sufficient.

18. Licensing Objectives

18.1 Premises licences granted must be reasonably consistent with the licensing objectives.

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

18.2 The Gambling Commission will take the leading role in preventing gambling from being a source of crime.

18.3 Nevertheless, the licensing authority will need to pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of organised crime this authority will consider carefully whether gambling premises should be located there and whether the imposition of conditions, such as the provision of door supervisors, may be suitable or sufficient.

18.4 This licensing authority makes a clear distinction between disorder and nuisance. Disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder will include whether police assistance was required or how threatening the behaviour was to those who could see or hear it. Issues of public or statutory nuisance cannot be addressed via the Gambling Act provisions.

Ensuring that gambling is conducted in a fair and open way

18.5 Generally the Gambling Commission does not expect licensing authorities to become involved with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence (issued by the Gambling Commission), or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence (issued by the Gambling Commission).

18.6 However, in relation to 'tracks' (defined by s 353 as "a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place") the licensing authority may need to consider this objective as the track operator will not necessarily have an operating licence.

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

18.7 This objective is concerned with preventing children from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. 'Child' means an individual who is less than 16 years of age. 'Young person' means an individual who is not a child but who is less than 18 years of age.

18.8 The licensing authority will consider whether specific measures (i.e. conditions) are needed to protect children on particular categories of premises and in particular tracks. For example:

- Supervision of entrances
- Segregation of gambling areas frequented by children
- Supervision of gaming machines in licensed family entertainment centres.

18.9 This authority will also ensure that where category A, B or C 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.

18.10 In respect of particular premises, the licensing authority will also need to consider whether any special considerations need to apply in relation to the protection of vulnerable persons. At the time of publishing this Statement of Principles, the Gambling Commission had not defined 'vulnerable persons.' However, Guidance says it is assumed "that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case-by-case basis.

19. Premises Licence Conditions

19.1 Conditions may be attached to premises licences in the following ways:

- Automatically - having been set out on the face of the Act;
- The Secretary of State may by regulations provide that specified conditions must be attached to premises licences (mandatory condition)
- The Secretary of State may by regulation prescribe for a specified condition to be attached to any premises licence unless excluded by the licensing authority (default conditions)
- Attached by the licensing authority

19.2 Conditions may be general in nature (i.e. they attach to all licences or all licences of a

particular class) or they may be specific to a particular licence.

19.3 Any conditions attached to premises licences by the licensing authority should be proportionate and:

- 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
- reasonable in all other respects

19.4 Decisions upon individual conditions will be made on a case-by-case basis, although this will be in line with any general policy set out in the Guidance or within this Statement of Principles.

19.6 Conditions that the licensing authority cannot attach to premises licences are:

- any condition on the premises licence that makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the 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, winning or prizes.

19.7 If there are concerns that premises may attract disorder or be subject to unauthorised access (e.g. by children and young persons), then the licensing authority may require, by a condition on the premises licence, that the entrances to the premises are controlled by a door supervisor.

20. Provisional Statements

20.1 A person may make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy

20.2 In determining an application for a provisional statement, the licensing authority should not speculate on or otherwise take into account the likelihood of an operating licence being granted by the Gambling Commission.

20.3 Once the premises are constructed, altered, or acquired the holder of a provisional statement may apply for a premises licence. It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence, and it may involve the licensing authority inspecting the premises. The licensing authority 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 can be taken into account unless they concern matters:

- which could not have been addressed at the provisional stage, or
- they reflect a change in the applicant's circumstances.

Similarly, the licensing authority could only refuse, or grant it on terms or conditions not included in the provisional statement, if, in the authority's opinion: such matters could not have been addressed at the provisional stage, or do reflect a change in the applicants' circumstances.

20.4 The licensing authority should not take into account irrelevant matters, such as the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

21. Reviews

21.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, the licensing authority may reject an application for review in accordance with s198 if they think that the grounds on which the review is sought:

- do not raise an issue relevant to the principles to be applied in accordance with the code of practice, Guidance, licensing objectives, Statement of Principles
- are frivolous
- are vexatious
- would certainly not cause the Licensing Authority to wish to take any action to revoke the licence, suspend for a period not exceeding three months, exclude a default condition or remove or amend an exclusion, or add, remove or amend a condition
- are substantially the same as the grounds specified in an earlier application for review
- are substantially the same as representations made in respect of the application for the premises licence (i.e. a second bite of the cherry)

21.2 The licensing authority can also initiate a review of a licence in accordance with the Gambling Act 2005.

21.3 Reviews will be determined according to the impact of the premises upon the licensing objectives, namely:

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

PART B(ii)

PREMISES LICENCES: TYPES OF PREMISES LICENCES

22. Casino Premises Licence

A “casino” is “an arrangement whereby people are given an opportunity to participate in one or more casino games. The permitted number of machines in each category will depend on

There are three types of casinos: Regional casinos, large casinos and small casinos. Initially, up to 17 new casinos will be permitted in England, Wales and Scotland (one regional, eight large and eight small). The government decided that it was prudent to limit the number of new casinos so that an assessment can be made of whether their introduction leads to an increase in problem gambling.

The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which the new types of casino created by the Gambling Act will be located. The primary consideration of the Panel will be to ensure that the areas identified satisfy the best possible test of social impact. They will also take into account the potential for regeneration in the areas.

We do not have any casinos in the borough under the Gambling Act 1968 and this position is unlikely to change for the time being given that we did not make a bid for any of the aforementioned casinos. We have not been approached by anyone expressing an interest of having a casino in the borough and a specific site has not been identified. Furthermore, there are no specific issues of regeneration in the borough that would be assisted by the introduction of a casino.

There is the possibility, in the future, that the government may allow for more than 17 casinos.

23. Bingo Premises Licence

“Bingo” means “any version of that game, irrespective of by what name it is described.” – s353 of the Act. This licence authorises a maximum of 4 machines in category B3 or B4. There is no limit on C or D machines. Bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines.

23.1 The licensing authority will have particular regard to the need to protect children from being harmed or exploited by gambling. Where children are allowed to enter premises licensed for bingo, it is important 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, the licensing authority 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.

23.2 The licensing authority will have due regard to any further guidance issues by the Gambling Commission in respect of bingo.

23.3 There are certain exceptions for clubs, institutes and alcohol licensed premises from needing a bingo premises licence for low turnover (see part 12 of the Act).

24. Adult Gaming Centre Premises Licence

An “adult gaming centre” means “premises in respect of which an adult gaming centre premises licence has effect.” – s237 of the Act. This licence authorises a maximum of 4 machines in category B3 or B4. There is no limit on category C or D machines. Adult gaming centres cannot

24.1 The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It 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 premises. Particular regard may be given to the location of and entry to Adult Gaming Centres.

24.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. 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 the kinds of measures that might be proposed for such premises.

25. Family Entertainment Centre Premises Licence

A “family entertainment centre” means “premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use.” A “licensed family entertainment centre” means “premises in respect of which a family entertainment centre premises licence has effect.” – s238 of the Act. This licence authorises an unlimited number of category C or D machines. Family Entertainment centres can admit those under 18 years of age, but they must not play category C machines.

25.1 The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. There must be clear segregation between the category C and category D machines, so that children do not have access to category C machines.

25.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. 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.
- Measures / training for staff on how to deal with suspected truanting school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of the kinds of measures that might be proposed for such premises.

26. Betting Premises Licence

“A betting premises licence” means “the provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for making or accepting of bets.” – s150(1)(e) of the Act. Betting means “making or accepting a bet on the outcome of a race, competition or other event or process; the likelihood of anything occurring or not occurring, or; whether anything is or is not true.” – s9(1) of the Act. The machines available for use at betting premises are gaming machines and betting machines. Persons under the age of 18 will not be able to enter premises with a betting premises licence, although special rules apply to tracks.

Betting machines are designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

A “gaming machine” means a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes). This licence authorises a maximum of 4 gaming machines in categories B2, B3, B4 and D.

26.1 When considering whether to impose a condition to restrict the number of betting machines, their nature and the circumstances in which they are made available for use, the licensing authority may consider the following factors:

- size of the premises,
- number of counter positions available for person-to-person transactions, and
- ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

27. Tracks

A “track” to means “a horse-race course, dog tracks or other premises on any part of which a race or other sporting event takes place or is intended to take place.” – s353 of the Act. If the track operator who holds the premises licence also has a pool betting operating licence, then up to 4 gaming machines may be sited on the track (of categories B2 to D). Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

Persons under the age of 18 are excluded from any areas where facilities for betting are provided and any area where there are gaming machines, other than category D machines. However, persons under the age of 18 are not excluded from such areas where facilities for betting are provided in relation to dog tracks and horse racing courses on race days only (the exclusion still applied to areas where there are gaming machines other than category D). There is no exclusion of race days in relation to gaming machines, although persons under the age of 18 are not prohibited from playing category D gaming machines on a track.

27.1 Track operators do not need to have an operating licence (although they may have one), as the betting that is provided upon the tracks will not be provided by the track operator (a licence is required if the track operator wants to provide pool betting or general betting facilities himself). Individual operators who come onto the track on race days do not need to hold a premises licence. Where there is no operating licence, the premises licence will need to contain requirements on the premises licence holder about their responsibilities in

relation to the proper conduct of betting.

27.2 Tracks are the only premises which may be subject to more than one premises licence, provided that each licence relates to a specified area of the track. There may be a primary (betting premises) licence for the track and, in addition, subsidiary premises licences for other gambling activities.

27.3 The licensing authority will especially consider the impact upon the protection of children and vulnerable persons from being harmed or exploited by gambling, in particular the need to ensure that entrances to each type of premises are distinct and that children are excluded from accessing gambling areas where they are not permitted to enter.

27.4 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. 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 the kinds of measures that might be proposed for such premises.

Gaming Machines

27.5. The licensing authority will take into account any further guidance from the Gambling Commissions with regard to where gaming 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.

27.6. The licensing authority 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 their 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

27.7. When considering whether to impose a condition to restrict the number of betting machines, their nature and the circumstances in which they are made available for use, the licensing authority may consider the following factors:

- size of the premises,
- ability of staff to monitor the use of the machines by children and young persons or by vulnerable people

27.8. Given that the potential space for betting machines may be considerable, the licensing authority will carefully consider the ability of track staff to supervise them if they are widely dispersed around the track and the ability of the track operator to comply with the law and prevent children betting on the machines. The licensing authority may choose to restrict the number and location of betting machines, although the individual merits of each

application will be considered.

Pool Betting

27.9. Pool betting may be offered at a horse racecourse by the Tote and at a dog track by the holder of a premises licence for the track.

Self-contained betting offices on tracks

27.10. Please refer to the section of the policy that addresses betting premises licences.

27.11. 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 a track to be the subject of separate premises licences. This is to ensure that there is a clear distinction between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

On-Course Betting

27.12. Subject to any regulations, to ensure that the licensing authority has a proper understanding of what they are being asked to licence, it will require:

- plans of the racecourse / track itself
- the area that will be used for temporary "on-course" betting facilities
- location of any fixed or mobile pool betting facilities (for racecourses and dog tracks)
- proposed gambling facilities
- plans should make it clear what is being sought and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

27.13. The licensing authority will consider attaching 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 the rules are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet available at the track. A condition to this effect is recommended in the Guidance.

28. Travelling Fairs

A "fair" means "fair consisting wholly or principally of the provision of amusements," and a fair held on a day in a calendar year is a "travelling fair" if provided "wholly or principally by persons who travel from place to place for the purpose of providing fairs, and at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year." – s286 of the Act. There is no limit on category D machines for travelling fairs. Persons under the age of 18 may use category D machines at travelling fairs.

28.1 It is not an offence to make one or more category D gaming machines available for use at a travelling fair, and facilities for gambling (whether by way of gaming machines or otherwise) that amount together to no more than an ancillary amusement at the fair.

28.2 The licensing authority will determine whether gaming is no more than an ancillary amusement at the fair, in circumstances where category D machines and/or equal chance prize gaming without a permit is made available for use at travelling fairs.

28.2 The 27-day statutory maximum for land being used for fairs is per calendar year. It applies to the piece of land on which the fair is 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

29. Introduction

29.1 Permits are required when premises provide a gambling facility where either the stakes and prizes are very low or gambling is not the main function of the premises. Holders of permits for gambling need to comply with codes of practice, published by the Gambling Commission on the location and operating of machines.

29.2 It is the responsibility of the licensing authority to issue:

- Family entertainment centre gaming machine permits

- Club gaming permits and club machine permits
- Alcohol-licensed premises gaming machine permits
- Prize gaming permits

30. Family Entertainment Centre Gaming Machine Permits

A “family entertainment centre” means “premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use” – s238 of the Act. Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit. Persons under the age of 18 may use the category D machines.

30.1 The determination in relation to a Family Entertainment Centre Gambling Machine Permit is taken by an officer of the licensing authority. Prior to making its determination, the licensing authority must be satisfied that the applicant intends to use the premises as an unlicensed family entertainment centre (see definition above) and must consult with the Police. The licensing authority may grant or refuse the permit but cannot attach conditions. If the decision is made to grant the permit, it should be issued as soon as is reasonably practicable. It is a requirement that the licensing authority notify an applicant of its intention to refuse and provide reasons. The applicant will be given an opportunity to make oral or written representations (or both). If the decision is then taken to refuse the application for a permit, the licensing authority must notify the applicant of the refusal and reasons for it.

30.2 The licensing authority is required under the Act to state the principles it will apply in exercising its functions in relation to unlicensed family entertainment centres. In particular it must specify the matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit. The principles are as follows:

(a) The licensing authority need not (but may) have regard to the licensing objectives, but must have regard to Guidance.

(b) Given that the premises will particularly appeal to children and young persons, in considering what to take into account, the licensing authority will give weight to child protection issues. The licensing authority 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. Policies and procedures could include issues such as:

- Measures / training for staff as regards suspected truanting 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.

(c) The licensing authority will expect applicants to 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 (i.e. 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

31. (Alcohol) Licensed Premises Gaming Machine Permits

Operators of premises with an on-premises alcohol licence have an automatic right to have 2 gaming machines of category C or D. The operator of the premises merely needs to notify the licensing authority. However, a permit is required if the applicant seeks to have more than two machines. A permit authorises the number of C or D machines as specified on the permit.

31.1 The determination in relation to a Licensing Premises Gaming Machine Permit is taken by an officer of the licensing authority. Prior to making its determination, the licensing authority must be satisfied that the applicant holds an on-premises alcohol licence (there is no requirement to notify the Police). The licensing authority may grant the permit, refuse the permit or grant in respect of a smaller number or different category of machines from that specified in the application (or both). No conditions can be attached to this permit. If the decision is made to grant the permit, it should be issued as soon as is reasonably practicable. The licensing authority must notify an applicant of its intention to refuse or grant for a smaller number and/or different category of machines and must provide its reasons. The applicant will be given an opportunity to make oral or written representations (or both). If the decision is taken to refuse the permit, then reasons must be given. An applicant will not be given an opportunity to make representations if the refusal was by virtue of not holding an on-premises alcohol licence.

31.2 The licensing authority shall consider the application for a permit having regard to the licensing objectives, any relevant Guidance and other such matters as it thinks fit. The licensing authority considers that “such matters” will be decided on a case by case basis but generally it shall have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

31.3 The licensing authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines (category C machines). Such measure may include:

- Having category C machines in sight of the bar or in sight of staff who will monitor that the machines are not being used by those under 18 years of age
- Notices / signage
- Having category C machines in a separate area

31.4 In relation to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

31.5 The licensing authority can remove the automatic authorisation to have two gaming machines 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 Act;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

The licensing authority must give the permit holder 21 days’ notice of the authority’s intention to consider cancelling or varying the permit. It must then consider any representation from the permit holder and hold a hearing if they request it.

31.6 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.

31.7 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.

32. Prize Gaming Permits

“Gaming is prize gaming if neither the nature nor the size of a prize played for is determined by reference to the number of persons playing or the amount paid for or raised by the gaming” - s288 of the Act. Persons under the age of 18 may participate in equal chance prize gaming only. “Gaming is equal chance gaming if it does not involve playing or staking against a bank and the chances are equally favourable to all participants” - s8 of the Act.

32.1 The determination in relation to a Prize Gaming Permit is taken by an officer of the licensing authority. Prior to making its determination, the Licensing authority must consult with the Police. The licensing authority may grant or refuse the permit but cannot attach conditions. If the decision is made to grant the permit, it should be issued as soon as is reasonably practicable. It is a requirement that the licensing authority notify an applicant of its intention to refuse and provide reasons. The applicant will be given an opportunity to make oral or written representations (or both). If the decision is then taken to refuse the application for a permit, the licensing authority must notify the applicant of the refusal and reasons for it.

32.2 The licensing authority is required under the Act to state the principles it will apply in exercising its functions in relation to prize gaming permits, in particular specify the matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit. The principles are as follows:

(a) The licensing authority need not (but may) have regard to the licensing objectives, but must have regard to Guidance.

(b) Given that the premises will particularly appeal to children and young persons, in considering what to take into account, the licensing authority will give weight to child protection issues.

(c) The licensing authority will expect applicants 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.

(d) The licensing authority will give due weight to representation from the police relevant to the licensing objectives. Relevant considerations include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and issues about disorder.

33. Club Gaming and Club Machines Permits / Miners' Welfare Institutes

Definition of club gaming permit: A members' club or miners' welfare institute may apply to the licensing authority for a club gaming permit which authorises the establishment to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.

Definition of club machine permit: A members' club, commercial club or miners' welfare institute may apply to the licensing authority for a club machine permit. This is more limited than a full club gaming permit.

There is a limit of three gaming machines for club gaming permits and club machine permits. These may be from categories B4, C or D. The club is permitted to choose the combination of machines on its premises. No person under the age of 18 shall use category B or C machines on the premises.

33.1 The determination in relation to a Club Gaming Permit or a Club Machine Permit is taken by an officer of the licensing authority where there is no objection or they have been withdrawn; otherwise by a Sub-Committee of the Licensing Committee where objections

have been made and not withdrawn. An applicant must send a copy of the application and accompanying documents to the Gambling Commission and the Chief Officer of Police who may object. The licensing authority may grant or refuse the permit but cannot attach conditions.

33.2 The licensing authority may only refuse an application for a club gaming permit or club machine permit on the following grounds (having regard to the Guidance and licensing objectives):

- (a) That the applicant does not fulfil the requirements of 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) That the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) That 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.

If the licensing authority is satisfied that (a) or (b) is the case it must refuse the application.

33.3 There is a fast-track procedure for clubs which hold a club premises certificate under section 72 of 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. The grounds on which an application under this 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.

PART D TEMPORARY USE NOTICES

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling (for example, use by hotels, conference centres and sporting venues). It is a notice given by the holder of an operating licence that states his / her intention to carry on one or more specified prescribed activities.

34.1 A "set of premises" (section 218(8)) may not be the subject of temporary use notification for more than 21 days in a period of 12 months, but may be the subject of several notices providing that the total does not exceed 21 days.

34.2 Reference to "a set of premises" prevents one large premises from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. The licensing authority will look at, amongst other things, the ownership/occupation, layout and control of the premises.

PART E OCCASIONAL USE NOTICES

Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

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

APPENDIX A
PERMITTED NUMBER OF GAMING MACHINES AND CATEGORY DEPENDING ON THE
NATURE OF THE PREMISES OR PERMIT

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D, within the total limit of 150 (subject to table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D, within the total limit of 80 (subject to table ratio)					
Pre-2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D or C or D machines instead					
Betting premises and tracks occupied by Pool Betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit on Category C or D machines	
Family entertainment centre (with permit)						No limit on Category D machines	
Clubs or miners' welfare institutes with permits					maximum of 3 machines in categories B4 to D		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair						No Limit on Category D machines	
	A	B1	B2	B3	B4	C	D

APPENDIX B

SUMMARY OF LICENSING AUTHORITIES DELEGATIONS PERMITTED UNDER THE GAMBLING ACT

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		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	