

# **GAMBLING ACT 2005**

## **STATEMENT OF PRINCIPLES**

**2nd January 2022**

## Contents

PART 1: OVERVIEW.....	4
1.1 Adoption.....	4
1.2 Scope of the Statement of Principles.....	4
1.3 Consultation.....	4
1.4 The Borough of Harrow.....	5
1.5 Monitoring and Review of this Statement.....	6
PART 2: GENERAL PRINCIPLES.....	7
2.1 Authorised activities.....	7
2.2 Summary of Approach.....	7
2.3 Types of Licences and Permissions.....	8
2.4 Advertising and Promotional Information.....	9
2.5 General Statement of Principles.....	9
2.6 Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.....	9
2.7 Ensuring gambling is conducted in a fair and open way.....	10
2.8 Protecting children and other vulnerable persons from being harmed or exploited by gambling ...	11
2.9 Social responsibility.....	12
2.10 Responsible Authorities.....	13
2.11 Child protection.....	13
2.12 Interested Parties.....	14
2.13 Representations.....	14
2.14 Exchange of Information.....	15
2.15 Compliance and Enforcement.....	16
PART 3 PREMISES LICENCES.....	18
3.1 General Principles.....	18
3.2 Definition of premises licences.....	18
3.3 Provisional Statements.....	19
3.4 Location.....	20
3.5 Duplication with other regulatory regimes.....	20
3.6 Licensing objectives.....	20
3.7 Conditions.....	20
3.8 Door Supervisors.....	21
3.9 Adult Gaming Centres.....	21
3.10 Licensed Family Entertainment Centres.....	22
3.11 Casinos.....	22
3.12 Bingo premises.....	22
3.13 Members' clubs and commercial clubs.....	24
3.14 Betting premises.....	24
3.15 Primary Gambling Activity.....	25

3.16	Tracks .....	25
3.19	Betting machines at tracks.....	26
3.20	Travelling Fairs.....	27
3.21	Review of Premises Licences .....	28
PART 4 Permits, Temporary and Occasional Use Notices .....		29
4.1	Unlicensed Family Entertainment Centre gaming machine permits.....	29
4.2	(Alcohol) Licensed premises gaming machine permits .....	30
4.3	Prize Gaming Permits.....	31
4.4	Club Gaming and Club Machines Permits .....	32
4.5	Temporary Use Notices .....	32
4.6	Occasional Use Notices.....	33
4.7	Small Society Lotteries .....	33
Part 5 Statement Changes and Administration .....		34
5.1	Fees .....	34
5.2	Duplication .....	34
5.3	Departure from Policy.....	34
5.4	Other Duties and Statutory Provisions .....	34

## PART 1: OVERVIEW

### 1.1 Adoption

1.1.2 This Statement of Principles was adopted by Harrow Council on **XX N** It was placed on our website on **XX** and is effective from **2<sup>nd</sup> January 2022** for three years. It replaces the version that came into effect on 3<sup>rd</sup> January 2018. A copy is available for inspection at the council's offices at any reasonable time.

1.1.3 It should be noted that 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 according to the statutory requirements of the Gambling Act 2005.

### 1.2 Scope of the Statement of Principles

1.2.1 Harrow Council, along with other local licensing authorities, has a duty under Section 349 of the Gambling Act 2005 to publish every 3 years a statement of principles which it proposes to apply when exercising its functions under the Act.

1.2.2 The purpose of the Statement of Principles is to promote the licensing objectives being:

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

1.2.3 The Gambling Commission states: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

1.2.4 The Authority expects applicants to put forward their own measures to meet the licensing objectives, and take due regard to the Gambling Act 2005, the guidance issue by the Gambling Commission (updated April 2021) and the principles above.

### 1.3 Consultation

1.3.1 Section 349(3) of the Gambling Act 2005 requires that the following parties are consulted by licensing authorities:

- The chief officer of police for the authority's area;
- 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 this Act.

1.3.2 Our consultation took place between 23 August 2021 and 23 October 2021, and we took into account guidance on consultation principles issued by the Cabinet Office (last updated March 2018), which is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>.

## 1.4 The Borough of Harrow

- 1.4.1 Harrow is an outer London Borough in north west London; approximately ten miles from central London, covering 50 square kilometres (20 square miles). Harrow is the 12th largest borough in Greater London in terms of size. Harrow borders Hertfordshire to the north and four London Boroughs: Barnet to the east, Brent to the south east, Ealing to the south and Hillingdon to the west. It has a diverse ethnic population of around 243,400 people across 21 council wards.



- 1.4.2 As of 6 April 2016, it is a mandatory condition for holders of operating licences to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of principles.
- 1.4.3 We recognise that it is not a requirement for licensing authorities to complete a local area profile, but we have taken the view that we wish to work proactively and in co-operation with licensees when developing their own local risk assessments. We encourage operators to contact the licensing authority to consider and identify potential areas of mutual concern affecting their business in a way that aims to permit gambling without presenting risks to the licensing objectives, as required by the Gambling Act. Our local area profile is available on our website and on request from the licensing team.
- 1.4.4 Potential applicants should also refer to the Local Plan (through our Development Management Team or on our website at [www.harrow.gov.uk](http://www.harrow.gov.uk)) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place. Applicants may also wish to view the current Harrow Safety Neighbourhood Board's plan which

is available from our website or from our offices.

- 1.4.5 Further information about the Borough is contained in the council's Corporate Plan, Harrow Ambition, which is published annually and can be obtained from the council's offices or from our website.

## 1.5 Monitoring and Review of this Statement

- 1.5.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from 'time to time' and any amended parts re-consulted upon. The statement must be then re-published.
- 1.5.2 The Statement of Principles will have effect from January 2022

## PART 2: GENERAL PRINCIPLES

### 2.1 Authorised activities

2.1.1 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery:

- 'gaming' means playing a game of chance for a prize
- 'betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true
- a 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

2.1.2 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

2.1.3 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the licensing authority's officers where appropriate.

2.1.4 The overall approach of the Act is to state that gambling is unlawful in Great Britain, unless permitted by:

- the measures contained in the Act, in relation to most commercial gambling
- the measures contained in the National Lottery etc Act 1993 in the case of the National Lottery
- the measures contained in the Financial Services and Markets Act 2000 in the case of spread betting.

2.1.5 This approach should be considered in the context of the statutory aim to permit gambling

### 2.2 Summary of Approach

2.2.1 This Statement of Principles is intended to meet the licensing authority's obligations under section 349 of the Act. In carrying out its functions in relation to premises licences and temporary use notices, the licensing authority will generally aim to permit the use of premises for gambling as long as it is considered to be:

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any Guidance issued by the Gambling Commission. All references to the guidance refer to the Gambling Commission's Guidance to Licensing Authorities, (<https://beta.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities> )
- reasonably consistent with the licensing objectives
- in accordance with this Statement of Principles.

2.2.2 Nothing in this statement of principles will:

- Prevent any person from applying under the Gambling Act 2005 for any of the permissions and from having that application considered on its own individual merits; and
- Prevent any person or stop any person from making representation on any application or from seeking a review of a licence or certificate where the Gambling Act 2005 permits them to do so

2.2.3 Each application will be considered on its own individual merits without regard to demand and regulate gambling in the interests of public interest.

## 2.3 Types of Licences and Permissions

2.3.1 Under the Act, the Gambling Commission is responsible for issuing operating licences and personal licences. The council in its' capacity as a licensing authority will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less 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 (see section on Exchange of Information)
- Maintain a registers of the permits and licences that are issued under these functions
- exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

2.3.2 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

2.3.3 The Commission has issued guidance under section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.

2.3.4 The Commission will also issue Codes of Practice under section 24 about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.

2.3.5 The Gambling Commission can be contacted at:

Gambling Commission  
Victoria Square House  
Victoria Square  
BIRMINGHAM  
B2 4BP

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Email: [info@gamblingcommision.gov.uk](mailto:info@gamblingcommision.gov.uk)



## 2.4 Advertising and Promotional Information

- 2.4.1 The Gambling Act 2005 permits the advertising of gambling in all forms, provided that it is legal and there are adequate protections in place to prevent such advertisements undermining the licensing objectives.
- 2.4.2 The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising. It enforces the UK Advertising Codes (the Codes), written by the Committees of Advertising Practice. The Codes cover the content and placement of advertising and are designed to ensure that advertisements for gambling products are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited (covered under Section 2.5)
- 2.4.3 The Codes also require that advertisements for gambling products or services do not mislead. Any complaint about the content and placement of advertising or marketing communications should be sent directly to the ASA.

## 2.5 General Statement of Principles

- 2.5.1 The licensing authority recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.
- 2.5.2 In carrying out its licensing functions the council will have regard to any guidance and code of practice issued by the Gambling Commission from time to time.
- 2.5.3 The licensing authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.
- 2.5.4 To ensure the licensing objectives are met the licensing authority will establish a close working relationship with the police, the Gambling Commission and other responsible authorities.
- 2.5.5 Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm from gambling, especially where it receives representations to that effect.
- 2.5.6 Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 2.5.7 However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits. When applying these principles the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case. As with the Gambling Commission, the licensing authority will regulate gambling in the public interest.

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

- 2.6.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 2.6.2 Anyone applying to the licensing authority for a premises licence will have to hold an operating

licence from the Commission before a licence can be issued. Therefore, the council will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the council will bring those concerns to the attention of the Commission.

- 2.6.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the council will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. The council will also carefully weigh up the considerations involved in granting licences or varying licences in the light of representations about applications in areas identified as having high levels of gambling-related crime.
- 2.6.4 There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The council does not intend to (and indeed, cannot) use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using other powers.
- 2.6.5 Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance *and it can be shown that gambling is the source of that disorder*. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 2.6.6 The Licensing Authority places considerable importance on the prevention of crime and disorder, and therefore expect any risk assessment by a premise to take into account:
- The location of the premise;
  - History of the premise in terms of crime and/or disorder and any potential future risk;
  - The design, layout and fitting of the premise, to ensure it minimises opportunities for crime and / or disorder including such aspects as cash registers and CCTV set up;
  - Having sufficient management measures and other measures in place to minimise risk;
  - Plans, strategies, Area assessments and any crime prevention advice including from the Metropolitan Police
  - Promotion of the licensing objective
- 2.6.7 When making decisions in this regard the council will give due weight to any comments made by the police, who will be considered the main source of advice on crime and disorder matters.
- 2.6.8 Conditions may be attached to the Premise Licence in order to promote the licensing objective and will take into account the matters set out in Part 3.

## 2.7 Ensuring gambling is conducted in a fair and open way

- 2.7.1 The Gambling Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.
- 2.7.2 Because betting track operators do not need an operating licence from the Commission the council may, in certain circumstances, require conditions on a licence relating to the suitability of the environment in which betting takes place.

- 2.7.3 The Licensing Authority expects any risk assessment by a premise to take into account:
- The design, layout and fitting of the premise, to meet the licensing objective
  - Having sufficient management measures and other measures in place to minimise risk;
  - Management and Operations being open and transparent to co-operate with enforcement agencies, to promote the licensing objective, and to comply with the Gambling Commissions Code of Practice
- 2.8 [Protecting children and other vulnerable persons from being harmed or exploited by gambling](#)
- 2.8.1 The Act defines children as meaning any individual who is under the age of 16 (persons under the age of 18 are 'young people')
- 2.8.2 The Gambling Commission does not define 'vulnerable people' but does state "it will for regulatory purposes assume that this group of people include those who gamble more than they want to; those who gamble beyond their means; and those who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs".
- 2.8.3 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult- only' environments.
- 2.8.4 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also 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.
- 2.8.5 When considering whether to grant a premises licence or permit the council will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.
- 2.8.6 Children and young persons may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:
- betting shops cannot admit anyone under 18
  - bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines
  - Adult Entertainment Centres cannot admit those under 18
  - Family Entertainment Centres and premises with an alcohol premises licence such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over 18
  - clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines
  - tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- 2.8.7 The council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.
- 2.8.8 The Licensing Authority places considerable importance on the protection of children and

vulnerable persons, and therefore expect any risk assessment by a premise to take into account:

- The location of the premise (e.g. is it near locations / buildings that are frequented by such persons such as schools, youth services and social housing);
- Promotional Material and Advertising used by the premise that could encourage such persons to use the premise
- Having sufficient management measures and other measures in place to minimise risk, including sufficient training and understanding about safeguarding and protection of children and vulnerable persons;
- Promotion of the licensing objective including:
  - Proof of age schemes;
  - Nominated staff member who has responsibility for overseeing the systems and procedures at the premise around this objective;
  - Written record of any staff intervention
  - Signage including where people can get help for gambling related matters

2.8.9 The Licensing Authority will give particular weight to any advice, guidance or requirement in relation to the protection of children and vulnerable adults from the Harrow Adult Safeguarding Board and Harrow Children's Safeguarding Board

2.8.10 The licensing authority works in collaboration with local Safeguarding Partnerships to raise awareness of problem gambling and help address its impact on children and vulnerable adults.

## 2.9 Social responsibility

2.9.1 The licensing authority is keen that those who provide gambling facilities within the Borough do so in a socially responsible manner to further the licensing objectives. In particular, the licensing authority takes the view that this can be demonstrated by providers:

- taking into account the licensing authority's local area profile when applying for or varying permissions to allow gambling to take place
- conducting and implementing the findings of local risk assessments for premises-based gambling activities
- observing the spirit and the letter of guidance notes and advice published by the Gambling Commission on its website; and
- co-operating with the licensing authority in relation to addressing issues associated with problematic gambling.

2.9.2 The licensing objectives support the whole basis of gambling regulations: that crime should be kept out of gambling, it should be conducted in a fair and open way; and that children should be protected from harm or exploitation from gambling. The Licensing Authority takes social responsibility seriously and expects establishments to do so as well, taking into account the effect they can have on communities especially when specific issues arise from their local risk assessments. As with any risk assessment, these should be kept updated and take into account changes to local areas and communities.

2.9.3 In line with Gambling Commission Social Responsibility Code requirements, all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility.

## 2.10 Responsible Authorities

2.10.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the council if they are relevant to the licensing objectives.

2.10.2 Section 157 of the Act defines those authorities as:

- the Gambling Commission
- the Police
- the Fire Service
- a competent body to advise the authority about the protection of children from harm
- the local planning authority
- Environmental Health (Noise Pollution and Health & Safety)
- HM Revenue and Customs
- The local Safeguarding Children Board
- A licensing authority in whose area the premises is situated (that is, the council itself and also any adjoining council where premises straddle the boundaries between the two).

2.10.3 Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the council will not generally take into account representations which are deemed to be irrelevant, such as:

- there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- the premises are likely to be a fire risk (because public safety is not a licensing objective)
- the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- the premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. It should be noted that, unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective regarding the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws).

4.1.4 Each representation will, however, be considered on its own individual merits.

## 2.11 Child protection

2.11.1 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
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

2.11.2 The licensing authority has designed the Local Childrens' Safeguarding Board as the competent

body in relation to child protection.

2.11.3 The contact details of all the responsible authorities under the Gambling Act 2005 are available via the council's website at [www.harrow.gov.uk](http://www.harrow.gov.uk).

## 2.12 Interested Parties

2.12.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person -

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

2.12.2 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 case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.
- interested parties can include trade associations, and residents'/tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Councillors and MPs may also be interested parties. Elected councillors may represent interested parties, providing they do not also sit on the Licensing sub-committee determining the application in question.
- In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the council may take account of:
  - the size of the premises
  - the nature of the premises
  - the nature of the authorised activities being proposed
  - the distance of the premises from the person making the representation
  - the characteristics of the complainant (including any special interests or knowledge relating to the application in question)
  - the potential impact of the premises

2.12.3 Interested parties should appreciate that moral objections to gambling, or the need for gambling premises, are not valid reasons to reject applications for premises licences.

## 2.13 Representations

2.13.1 Representations for applications or requests for reviews will be based on the licensing objectives of the Gambling Act as set out in this document.

2.13.2 Representations received outside the statutory period for making such representations or which otherwise does not comply with the regulations will be invalid and will not be taken into consideration when the application is determined.

2.13.3 The licensing authority will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be given a written reason. A report will be made to the Licensing Panel determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

2.13.4 A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this statement of licensing policy.

2.13.5 Interested parties should appreciate that moral objections to gambling, or the need for gambling premises, are not valid reasons to reject applications for premises licences.

2.13.6 Representations should ideally:

- a) be made in writing (preferably in duplicate, unless submitted electronically)
- b) be in black ink on single sides of A4 paper
- c) indicate the name and address of the person or organisation making the representation
- d) indicate the premises to which the representation relates
- e) indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this
- f) clearly set out the reasons for making the representation, and which objective(s) it refers to.
- g) Set out, with one or more of the following, why it is felt that the application:
  - a. Is not reasonably consistent with the licensing objectives; or
  - b. Is not in accordance with this Statement of Principles, the Commission's Guidance or the relevant Codes of Practice; or
  - c. Otherwise should not be granted; or
  - d. Should only be granted subject to specified conditions
- h) Evidence any opinion or statement

2.13.7 It is understood that sometimes representations are made in the form of a petition. If such a petition is submitted then it must still follow the criteria stated in 1.12.6 above as well as:

- Indicating the organiser of the petition to enable a point of contact;
- Indicating a spokesperson to discuss the views and answer questions on behalf of the petitioners at any Licensing Committee hearing

## 2.14 Exchange of Information

2.14.1 Licensing authorities are required to include in their policy statement 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 the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

2.14.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that Data Protection legislation will not be contravened. The licensing authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005, and guidance issued by the bodies such as the Information Commissioner's Office, Surveillance Commissioners and the Surveillance Camera Commissioner.

- 2.14.3 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 (as amended) to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area. It may also share depersonalized information, for example about the extent of gambling-related crime, with other agencies or licence-holders.
- 2.14.4 Details of applications and representations which are referred to a Licensing sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so.
- 2.14.5 The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on the matter of information exchange as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## 2.15 Compliance and Enforcement

- 2.15.1 Licensing authorities are required by regulation under the Gambling Act 2005 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.
- 2.15.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities, as well as the 'Regulators Code, and to support or enable economic growth for compliant business and it will endeavour to be:
- proportionate: it will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised
  - accountable: with decisions being justifiable, and be subject to public scrutiny
  - consistent: rules and standards will be joined up and implemented fairly
  - transparent and open: licence conditions will be kept simple and user friendly; and
  - targeted: regulation should be focused on the problem, and minimise side effects.
- 2.15.3 The licensing authority will avoid duplication with other regulatory regimes. Where matters come to light which are properly the role of other statutory agencies however, the licensing authority may bring those matters to the attention of those other agencies where appropriate.
- 2.15.4 The licensing authority notes the Commission's risk-based inspection programme, based on:
- the licensing objectives
  - relevant codes of practice issued by the Gambling Commission
  - guidance issued by the Gambling Commission, in particular at Part 36 of the Guidance to Local Authorities
  - the principles set out in this statement of licensing policy.
- 2.15.5 The licensing authority has an established working partnership with the Gambling Commission, and undertakes risk-based inspections and compliance visits.
- 2.15.6 Broadly speaking the licensing authority will aim to:
- inspect a quarter of all betting premises each year. This is on the basis that the majority of premises are operated by the same businesses and standards should be consistent within the business. Premises will be selected on the basis of location, previous crime and incident reports, and to ensure a fair selection across the different operators
  - inspect adult gaming centres or bingo premises every 12 – 18 months
  - conduct checks on gaming machines as part of its inspection processes under the



## Licensing Act 2003.

2.15.7 In addition, the licensing authority may undertake specific investigations or inspections, for example to support wider council enforcement action as part of its targeted Days of Action in a specific locality

2.15.8 The main enforcement and compliance role for this licensing authority will be to :

- ensure compliance with the premises licences and other authorised permissions
- ensure children are not able to take part in gambling activities they are prohibited from participating in
- ensuring gambling providers have appropriate resources in place to assist identified problem gamblers.

2.15.9 Enforcement involves taking formal action where either those requirements are not met or illegal activities take place.

2.15.10 Where breaches or offences are found, the general approach will be:

- to issue advice, warnings and guidance for first, minor or isolated breaches of a condition or appropriate code of practice
- to consider a review of a licence for substantial, major or repeated breaches, particularly where earlier warnings or advice has been ignored to consider a prosecution in line with the licensing authority's Public Protection enforcement policy (available on request) where a prosecution may be considered appropriate in the public interest.

2.15.11 It should be noted that if annual fees for premise licences are not paid when required the Licensing Authority may revoke the premises licence under Section 193 Gambling Act 2005.

2.15.12 The Gambling Commission will be the enforcement body for operator and personal licences. It is also worth noting that 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.

2.15.13 This authority will also keep itself informed of developments as regards the work of the Office for Product Safety and Standards (part of the Department for Business, Energy and Industrial Strategy) in its consideration of the regulatory functions of local authorities.

2.15.14 The authority's approach to the carrying out of premises licence reviews is set out in Section 20 below.

## PART 3 PREMISES LICENCES

### 3.1 General Principles

- 3.1.1 Gambling may be authorized in various ways dependent on the nature of the gambling activity involved. In general either a premise licence or permit will be needed, though certain activities may be authorised by way of notification.
- 3.1.2 Part 2 of this statement addressed the local standards applicable to the various types of authorisation.
- 3.1.3 The licensing authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling as far as it thinks it is:
- i. In accordance with any relevant Code of Practice issued by the Gambling Commission
  - ii. In accordance with any relevant Guidance issued by the Gambling Commission
  - iii. Reasonably consistent with the Licensing Objectives; and
  - iv. In accordance with the Authority's Statement of Principles (this document)
- 3.1.4 The expected 'demand' for facilities or the likelihood of planning / building regulations approval being granted will not be taken into consideration , except in the case of a Provisional Statement or an application to allow a track to be used for betting where other persons will provide the betting facilities.
- 3.1.5 Any application for a Premise Licence must demonstrate to the Authority's satisfaction:
- i. A right to occupy the premises concerned
  - ii. A valid operating licence from the Commission or have applied for such a licence; and
  - iii. Meet any other criteria as set out in this document
- 3.1.6 Any Premise Licence will only be issued once the Operating Licence has been issued
- 3.1.7 In the case of a Provisional Statement, if the applicant does not currently hold the right to occupy the application premises, a written confirmation of when this will reasonably occur must be submitted to the Authority and must be a reasonable time.

### 3.2 Definition of premises licences

- 3.2.1 Premises are defined in the Act as "any place". It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and it will always be a question of fact in the circumstances. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 3.2.2 In considering applications for multiple licences for a building or those for a specific part of the building to be licensed, 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 and that people do not 'drift' into a gambling area.
- 3.2.3 This licensing authority will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).
- 3.2.4 The licensing authority takes particular note of the Commission's guidance to be aware of the following:
- the third licensing objective seeks to protect children from being harmed by gambling, which means not only preventing them from being harmed by gambling and also from

being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating

- entrance to and exits from parts of buildings covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
- customers should be able to participate in the activity named on the premises licence.

3.2.5 The licensing authority will take account of the following factors when considering whether premises are separate:

- do the premises have a separate registration for business rates?
- is the premises neighbouring premises owned by the same person or by someone else?
- can each of the premises be accessed from the street or a public passageway?
- can the premises only be accessed from any other gambling premises?

3.2.6 The location of the premises and the suitability of the division (including the nature of any partitions etc) will be a matter for discussion in each case between the applicant and the licensing authority's officers.

3.2.7 The licensing authority notes Part 7 of the Commission's guidance in relation to access to premises and multi activity premises. Where more than one premises licence is permitted within a building the gaming machine entitlement for the separately licensed premises may not be aggregated and no more than the permitted number and category of machines for the relevant type of premises may be placed in any one of the individual sets of premises within the building. Section 152 of the Act, when properly applied means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises cannot, for example, be licensed as a bingo club on weekdays and a betting shop at weekends.

### 3.3 Provisional Statements

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

- which could not have been raised by objectors at the provisional licence stage; or
- which is in the authority's opinion reflect a change in the operator's circumstances.

3.3.2 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- first whether the premises ought to be permitted to be used for gambling
- second, whether appropriate conditions can be in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

3.3.3 If faced with an application in respect of uncompleted premises which it appears are not going to be ready to be used for gambling for a considerable period of time, the licensing authority will

consider whether – applying the two stage approach advocated above – it should grant a licence or whether the circumstances are more appropriate to a provisional statement application. For example, the latter would be the case if there was significant potential for circumstances to change before the premises opens for business. In such cases, the provisional statement route would ensure that the limited rights of responsible authorities and interested parties to make representations about matters arising from such changes of circumstance are protected.

### 3.4 Location

3.4.1 The licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

3.4.2 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome. Reference should also be made to the local area risk assessment prepared by the operator.

### 3.5 Duplication with other regulatory regimes

3.5.1 This authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

3.5.2 Under section 210 of the Act the licensing authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. The licensing authority will however consider relevant representations from the local planning authority about the effect of the grant of a premises licence on an extant planning permission where this relates to the licensing objectives, a Commission code of practice, or this statement of principles.

### 3.6 Licensing objectives

3.6.1 The grant of a Premises licences must be reasonably consistent with the licensing objectives.

### 3.7 Conditions

3.7.1 Any conditions attached to licences will be proportionate and will be:

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

3.7.2 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this licensing authority may utilize should the authority consider it necessary for the promotion of the licensing objectives, such as the use of machine and door

supervisors, supervision of adult gaming machines, appropriate signage for adult-only areas, staff training etc. There are specific comments made in this regard under each of the licence types below. The licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively if appropriate.

3.7.3 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

3.7.4 It is noted that there are conditions which the licensing authority cannot attach to premises licences:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 Section 170 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.

### 3.8 Door Supervisors

3.8.1 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

3.8.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The licensing authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

3.8.3 It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that in-house door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority. However, the licensing authority strongly recommends that any door supervisors or security staff who are employed should be licensed by the SIA.

### 3.9 Adult Gaming Centres

3.9.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate 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
- staff training
- change machines
- advertising sources of help and other means of help for problem gamblers

This list is not mandatory or exhaustive, and is merely indicative of example measures.

3.9.2 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

3.9.3 As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare.

### 3.10 Licensed Family Entertainment Centres

3.10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances and/or machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- staff training

This list is not exhaustive.

3.10.2 Measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare will be considered in order to protect children and vulnerable persons.

3.10.3 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

### 3.11 Casinos

3.11.1 The licensing authority has passed a "no casino" resolution under section 166 of the Act on XX November 2021

### 3.12 Bingo premises

3.12.1 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

3.12.2 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

3.12.3 Commercial bingo halls will require a bingo premises licence from the licensing authority.

3.12.4 Amusement arcades providing prize bingo will require a prize gaming permit from the council.

3.12.5 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on category D machines. When considering applications of this type the council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

3.12.6 A limited number of gaming machines may also be made available at bingo licensed premises. Where category C or above machines are available in premises to which children are admitted, the licensing authority will seek to ensure that:

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

3.12.7 S.172(7), as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (SI 2007/2158: Categories of Gaming Machine Regulations 2007 (but not B3A) and B4 machines.

3.12.8 For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. This includes tablets.

3.12.9 The licensing authority notes that the Gambling Commission's Guidance states:

18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.

18.9 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an

entitlement to be grouped together within one of the licensed premises.

18.10 Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo, electronic bingo terminal (EBTs) and video bingo terminals (VBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and, in the case of EBTs, do not hold gaming machine content.

18.11 An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine and would count towards the total number of gaming machines or towards the offering of bingo. Any EBTs that do not offer gaming machine content would not count towards the number of gaming machines.

3.12.10 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

3.12.11 Operators' attention is also drawn to reference in this policy concerning primary gambling activity.

### 3.13 Members' clubs and commercial clubs

3.13.1 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a bingo operator's licence and the corresponding personal and premises licences.

### 3.14 Betting premises

3.14.1 Anyone wishing to operate a betting office will require a betting premises licence from the licensing authority. Children and young persons will not be able to enter premises with a betting premises licence.

3.14.2 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

3.14.3 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

3.14.4 S.172(8) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines (the terminals commonly in use are able to provide both B2 and B3 content).

3.14.5 The licensing authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. We 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. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.

3.14.6 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

3.14.7 Each application will be considered on its own individual merits.

### 3.15 Primary Gambling Activity

3.15.1 Operating licences issued by the Commission provides that gaming machines may be made available for use in licensed betting premises only at times where there are also sufficient facilities for betting available.

3.15.2 In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn the outcome and collect any winnings. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.

3.15.3 The Licence Conditions and Codes of Practice (LCCP) sets out the full requirements for operators. To assist operators of betting premises the Commission has published a document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

3.15.4 Should the licensing authority receive an application to vary a premises licence for bingo or betting in order to extend the opening hours, the authority will satisfy itself that the reason for the application is in line with the requirements on primary gambling activity. (i.e. the need for operating licence holders to ensure that there are still sufficient facilities available to participate in the gambling activity appropriate to the licence type ('the primary activity' or 'the principal activity') at those premises and not replaced by the making available of gaming machines). Therefore, the applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely betting or bingo.

### 3.16 Tracks

3.16.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.

3.16.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.

3.16.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

3.16.4 When considering whether to exercise its power to restrict the number of betting machines at a track the licensing authority will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

3.16.5 This licensing authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.

3.16.6 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

3.16.7 Appropriate licence conditions may be:

- proof of age schemes
- CCTV
- supervision of entrances/machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours
- the location of gaming machines

This list is not mandatory or exhaustive, and is merely indicative of example measures.

3.16.8 Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare will be considered suitable in relation to the protection of children and vulnerable people.

3.18.9 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

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

### 3.19 Betting machines at tracks

3.19.1 Licensing authorities have a power under the Gambling Act 2005 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.

#### Condition on rules being displayed

3.19.2 In line with guidance from the Gambling Commission the licensing authority will 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, such as being could printed in the race-card or made available in leaflet form from the track office.

#### 3.20 Travelling Fairs

3.20.1 It will fall to the licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

### 3.21 Review of Premises Licences

3.21.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities.

3.21.2 However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is

- relevant to the matters listed below
- frivolous
- vexatious
- will certainly not cause this authority to alter, revoke or suspend the licence or
- whether it is substantially the same as previous representations or requests for review
- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

3.21.3 Licensing authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. The licensing authority may review premises licences of its own volition. This may be on the grounds that a premises licence holder has not provided facilities for gambling at the premises. A referral to a Licensing Panel of a set of premises for a review will be first approved by the Head of Enforcement and Licensing.

3.21.4 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate where the licensing objectives are likely to be undermined.

3.21.5 This can extend to a review of a class of licences where it considers particular issues have arisen. Reviews of a class of premises will be first agreed to by the Head of Community and Public Protection in consultation with the Chair of the Licensing and General Purposes Committee.

3.21.6 The purpose of a review is to determine whether the licensing authority should take any action in relation to the licence. If action is justified the licensing authority may:

- add, remove or amend a licence condition (other than a mandatory condition)
- exclude or amend a default condition imposed by regulations
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence.

3.21.7 In determining the appropriate course of action the licensing authority must have regard to the principles set out in section 153 of the Act as well as any relevant representations.

3.21.8 The Gambling Commission will be a responsible authority in premises licence reviews.

## PART 4 Permits, Temporary and Occasional Use Notices

### 4.1 Unlicensed Family Entertainment Centre gaming machine permits

- 1.4.1 Where a premises does not hold a premises licence but wishes to provide category D machines only gaming machines, it may apply to the licensing authority for this permit. It should be noted that under section 238 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. If they are also used for other purposes the application is likely to be refused.
- 4.1.2 The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act.
- 4.1.3 Accordingly this licensing authority will also have regard to the licensing objectives when considering applications relating to unlicensed FEC permits.
- 4.1.4 An FEC gaming machine permit cannot be granted unless the chief officer of police has been consulted, and no conditions may be imposed upon the grant of a permit. Therefore the licensing authority will wish to be satisfied as to the applicant's suitability before granting a permit. Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.

#### Statement of principles

- 4.1.5 Applicants will be expected 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 background checks on staff, training for staff in dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.
- 4.1.6 Applicants will be expected 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 (those that are set out in Schedule 7 of the Act)
  - that staff are trained to have a full understanding of the maximum stakes and prizes; and
  - an awareness of local school holiday times and how to identify to the local education authority should truants be identified.
- 4.1.7 Compliance with any relevant industry Code of Practice for FECs issued by BACTA or other trade associations may be taken by the licensing authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.
- 4.1.8 Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers.
- 4.1.9 The licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

## 4.2 (Alcohol) Licensed premises gaming machine permits

- 4.1.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.
- 4.1.2 Under section 284 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 (ie, that written notice has not been provided to the licensing authority, that a fee has not been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with)
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.
- 4.1.3 Should it be necessary to issue a section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. The authority will hold a hearing if the licensee requests.
- 4.1.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant."

### Statement of principles

- 4.1.5 This licensing authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not use the adult-only gaming machines. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.
- 4.1.6 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 that 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.
- 4.1.7 A plan must accompany applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.
- 4.1.8 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an adult entertainment centre premises licence.
- 4.1.9 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 4.1.10 It should also be noted that the holder of a permit to must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### Administrative matters

4.1.11 Notifications and applications for shall be dealt with by the licensing authority's officers.

## 4.2 Prize Gaming Permits

4.2.1 The licensing authority may prepare a statement of principles which they propose to apply in exercising their functions which may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit.

4.2.2 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

4.2.3 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.

Applicants should set out the types of gaming they are 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.

4.2.4 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.

4.2.5 Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.

### Statement of principles

4.2.6 This licensing authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to unequal chances prize gaming. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

4.2.7 A plan must accompany applications indicating where, and what type, of prize gaming is to be provided.

### 4.3 Club Gaming and Club Machines Permits

- 4.3.1 Members' clubs (but not commercial clubs) may apply for a club gaming permit or a clubs gaming machines permit.
- 4.3.2 The licensing authority notes paragraphs 25.44 – 25.49 of the Commission's Guidance as to matters to take into account when determining that a club meets the statutory qualifying requirements. These include the club's constitution; the frequency of gaming; and ensuring that there are more than 25 members. The club must be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is in bridge and whist clubs covered by regulations made by the Secretary of State.
- 4.3.3 The Commission advises that licensing authorities may only refuse applications on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
  - the applicant's premises are used wholly or mainly by children and/or young persons
  - an offence under the Act or a breach of the permit has been committed by the applicant whilst providing gaming facilities
  - a permit held by the applicant has been cancelled in the previous ten years; or
  - an objection has been raised by the Commission or by the police.

#### Club gaming permit

- 4.3.4 A club gaming permit allows the premises to provide
- up to three machines of categories B, C or D
  - equal chance gaming and
  - games of chance as set out in regulations.

#### Club gaming machine permit

- 4.3.5 A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.
- 4.3.6 The licensing authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Act. Clubs which hold a club premises certificate under the Licensing Act 2003 are entitled to benefit from a fast-track application procedure.

### 4.4 Temporary Use Notices

- 4.4.1 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. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission would include hotels, conference centres and sporting venues.
- 4.4.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.
- 4.4.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 SI No 3157) state that temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. There can, however, be more than one competition with a single winner held at the individual event covered by a specific temporary use



notice. The facilities may not be provided in circumstances where any person participating in the gaming does so by means of a gaming machine. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

4.4.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities and at paragraph 14.10 of the Guidance. As with “premises”, the definition of a “set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls with the definition of a “set of premises”, the licensing authority need to look at, amongst other things, the ownership/occupation and control of the premises.

4.4.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance to Licensing Authorities.

#### 4.5 Occasional Use Notices

4.5.1 The licensing authority 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.

#### 4.6 Small Society Lotteries

4.6.1 The licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exhaustive, could affect the risk status of an operator:

- submission of late returns (returns must be submitted within three months of the date that a lottery was drawn)
- submission of incomplete or incorrect forms
- breaches of the limits for small society lotteries.

## Part 5 Statement Changes and Administration

### 5.1 Fees

- 5.1.1 The Licensing Authority will set fees for premises licenses from within fee bands prescribed by Regulation. Each premise type will have separate fee bands. The fees once set will be reviewed to ensure that the fees cover the costs of administering the Act.
- 5.1.2 A list of current fees can be found at [www.harrow.gov.uk/licensing](http://www.harrow.gov.uk/licensing) or from the licensing team at [licensing@harrow.gov.uk](mailto:licensing@harrow.gov.uk)

### 5.2 Duplication

- 5.2.1 The Licensing Authority will, so far as is reasonably practicable and possible, avoid duplication with other regulatory regimes.
- 5.2.2 The granting of any licence, permit, notification or otherwise does not imply the approval of other legislative requirements.

### 5.3 Departure from Policy

- 5.3.1 The Licensing Authority may depart from this Statement of Principles if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives and fairness.
- 5.3.2 In the event of such a departure the Licensing Authority will give full reasons for the decision to so, and any such departure does not grant the same rights or conditions to subsequent applications and approvals

### 5.4 Other Duties and Statutory Provisions

- 5.4.1 In undertaking its duties, the Licensing Authority will have due regard to any Council strategies, policies, procedures and plans.
- 5.4.2 It will also ensure that it meets its statutory obligations as set out under other legislation, including but not limited to:
- Human Rights Obligations
  - Equality Act 2010 and the Public Sector Equality Duty, which requires public bodies to have due regard to the need to:
    - Eliminate unlawful discrimination, harassment and victimization;
    - Advance equality of opportunity;
    - Foster good relations