GAMBLING LICENSING POLICY
2013

THIS GAMBLING LICENSING POLICY SHALL TAKE EFFECT FROM THE 31\textsuperscript{ST} JANUARY 2013

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# Statement of Gambling Licensing Policy

## Foreword

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>3</td>
</tr>
</tbody>
</table>

## Part A  General

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1.</td>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>A2.</td>
<td>The Licensing Objectives</td>
<td>5</td>
</tr>
<tr>
<td>A3.</td>
<td>Responsible Authorities</td>
<td>6</td>
</tr>
<tr>
<td>A4.</td>
<td>Interested parties</td>
<td>7</td>
</tr>
<tr>
<td>A5.</td>
<td>Representations</td>
<td>8</td>
</tr>
<tr>
<td>A6.</td>
<td>Exchange of information</td>
<td>9</td>
</tr>
<tr>
<td>A7.</td>
<td>Enforcement</td>
<td>9</td>
</tr>
<tr>
<td>A8.</td>
<td>Licensing Authority functions</td>
<td>10</td>
</tr>
<tr>
<td>A9.</td>
<td>Duplication with other Regulatory regimes</td>
<td>11</td>
</tr>
</tbody>
</table>

## Part B  Premises licences –Matters not covered by Part A

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1.</td>
<td>General Principles</td>
<td>12</td>
</tr>
<tr>
<td>B2.</td>
<td>Location</td>
<td>14</td>
</tr>
<tr>
<td>B3.</td>
<td>Licence Conditions</td>
<td>14</td>
</tr>
<tr>
<td>B4.</td>
<td>Numbers of Staff and Door Supervisors</td>
<td>17</td>
</tr>
<tr>
<td>B5.</td>
<td>Protection of children and vulnerable persons –specific requirements for premises other than those for Betting Premises</td>
<td>18</td>
</tr>
<tr>
<td>B6.</td>
<td>Betting Premises</td>
<td>20</td>
</tr>
<tr>
<td>B7.</td>
<td>Travelling Fairs</td>
<td>23</td>
</tr>
<tr>
<td>B8.</td>
<td>Provisional Statements</td>
<td>23</td>
</tr>
<tr>
<td>B9.</td>
<td>Reviews</td>
<td>24</td>
</tr>
</tbody>
</table>

## Part C  Permits/Temporary & Occasional Use Notice

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1.</td>
<td>Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits)</td>
<td>27</td>
</tr>
<tr>
<td>C2.</td>
<td>(Alcohol) Licensed Premises Gaming Machine Permits</td>
<td>27</td>
</tr>
<tr>
<td>C3.</td>
<td>Prize Gaming Permits – (Statement of Principles on Permits)</td>
<td>28</td>
</tr>
<tr>
<td>C4.</td>
<td>Club Gaming Permits and Club Machine Permits</td>
<td>29</td>
</tr>
<tr>
<td>C5.</td>
<td>Temporary Use Notices</td>
<td>30</td>
</tr>
<tr>
<td>C6.</td>
<td>Occasional Use Notices</td>
<td>31</td>
</tr>
</tbody>
</table>

## Appendix A

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Glossary of Terms</td>
<td>32</td>
</tr>
</tbody>
</table>
FOREWORD

The Gambling 2005 Act is founded on a generic concept of ‘gambling’ that embraces the majority of commercial and non-private acts of gaming, betting and participation in non-exempted lotteries in the UK. There are several separate types of licences and permits that authorise the range of regulated gambling activities, namely, operating licences, personal licences and premises licences, gambling and gaming permits and lottery registrations. Newham Council is the Licensing Authority under the Gambling Act 2005 for the Borough of Newham in relation to premises licences, permits and small society registrations, whilst the Gambling Commission is the national body in relation to operating and personal licences.

Each licence and permit application will in part be decided upon the three licensing objectives enshrined within the 2005 Act, which are:

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

These objectives are supplemented by the core principle of ‘social responsibility’ that will be given effect through the licensing and regulatory decision-making of the Gambling Commission and licensing authorities, and by the publication of codes of practice and guidance by the Gambling Commission and, in the case of licensing authorities, by the preparation of a statement of Gambling Licensing Policy.

Newham is a key regeneration area and is one of the most deprived Boroughs in England. In making decisions on applications for premises licences, the Council as the licensing authority will aim to achieve an effective balance between meeting the objectives of the Gambling Act 2005 and facilitating the sustainable economic growth of the Borough.
PART A - GENERAL

A1. Introduction

A1.1 Newham is situated in North East London and is a rapidly emerging centre of commerce and culture, with one of the most diverse and cosmopolitan populations of any Borough in the United Kingdom.

A1.2 Newham’s Corporate Plan 2010-2013 is closely linked to the seven themes of the Sustainable Community Strategy, which are:

- Safer Newham
- Cleaner, Greener Newham
- Young Newham
- Ambitious Newham
- Housing Newham
- Active and Connected Newham
- Healthy Newham.

The 2010-2013 Corporate Plan is available at www.newham.gov.uk. Subsequent Corporate Plans will also be made available (when published) on that website.

A1.3 The Licensing Authority is required to publish a Gambling Licensing Policy that will be used when exercising its licensing functions. This Policy will be published at least every three years. The Policy may also be reviewed from time to time. Any proposed amended or revised Gambling Licensing Policy will be consulted upon and re-published.

A1.4 The Gambling Act requires that the following parties are consulted:

(a) The Chief Officer of Police
(b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
(c) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

A1.5 The Licensing Authority will consult widely (but within reasonable limits) upon any Policy Statement review before finalising and publishing it.

A1.6 A list of comments made and the consideration given by the Council of those comments will be available (subject to the Data Protection Act 1988) on request by contacting the Licensing Team, 1st Floor Town Hall Annexe, 330-354 Barking Road, East Ham, E6 2RT.

A1.7 This Gambling Licensing Policy does 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.
A1.8 In producing a Gambling Licensing Policy, the Licensing Authority will have regard to the licensing objectives of the Gambling Act 2005, the current guidance issued by the Gambling Commission, any relevant current statutory regulations, any relevant current Code of Practice issued by the Secretary of State for Culture, Media and Sport, and any responses from those consulted on the Policy statement.

Note: The Gambling Commission Guidance to Licensing Authorities, together with other guidance and information is available on the Gambling Commission website: www.gamblingcommission.gov.uk/Client/index.asp.

The Department for Culture, Media and Sport website is at: www.culture.gov.uk/index.aspx

A1.9 This Policy does not include within it details of the permitted numbers of gaming machines and stakes for certain types of licences and permits. Applicants and others should refer to the Act and the current regulations made under it for up to date details, or the above websites.

A2. The Licensing Objectives

A2.1 In exercising most of the functions under the Gambling Act 2005 (the Act), Newham Council (the Council) as the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Act.

A2.2 The licensing objectives are:

(a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
(b) Ensuring that gambling is conducted in a fair and open way
(c) Protecting children and other vulnerable persons from being harmed or exploited by gambling (It should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.)

A2.3 With regard to the crime and disorder objective, this Licensing Authority notes that there is no definition of the term ‘disorder’ in the Act, that there is no indication of the meaning of ‘disorder’ in the Explanatory Notes to the Act and that the Gambling Commission’s current Guidance to Licensing Authority’s states that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance” and that the word ‘intended’ is used without any form of qualification by the Gambling Commission.

The Licensing Authority will expect applicants for premises licences to assess the impact of their premises on the locality in relation to crime and disorder, and will give consideration to the measures offered by applicants in relation to this licensing objective and their assessment.

The Licensing Authority considers that serious nuisance and anti-social behaviour can sometimes amount to disorder. They will consider factors such as whether police assistance was required and how threatening
the behaviour was to those who could see or hear it, in determining whether the line has been crossed.

A2.4 For premises licences the Licensing Authority will not generally be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences that are issued and regulated by the Gambling Commission.

A2.5 With regard to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling:

(a) Children: This objective is concerned with preventing them from taking part in gambling, consideration will be given as to whether specific measures are required at particular premises. Such measures may include supervision of entrances / machines, segregation of areas, age verification schemes (i.e. ‘Challenge 21’) etc.

(b) Vulnerable persons: It is noted that there is no definition or interpretation of the term “vulnerable persons” in the Act. In addition it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” In the view of such lack of statutory interpretation or definition, or definitive guidance from the Gambling Commission, this Licensing Authority shall endeavour to consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this Policy statement will (by way of a revision) be updated with it.

A2.6 The Licensing Authority is legally obliged under provisions of the Act when making decisions about premises licences and temporary use notices to aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it:

(a) complies with any relevant code of practice issued by the Gambling Commission
(b) in accordance with any relevant guidance issued by the Gambling Commission
(c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
(d) in accordance with Newham’s Gambling Licensing Policy (subject to (a) to (c) above)

A3. Reserve Authorities

A3.1 The Act sets out the responsible authorities that can make representations about premises licence applications, or who can apply for a review of an existing licence. In Newham these are:

- The Council as the Licensing Authority
- The Gambling Commission
- The Metropolitan Police
The London Fire and Emergency Planning Authority (LFEPA)
The Councils Development Control
The Council’s Noise & Nuisance Unit
The Council’s Children and Young People’ Services
HM Revenue & Customs
And any other body or person that may be prescribed by Regulations at a later date

A current list of responsible authorities and their addresses can be obtained from the Councils Licensing Team.

A4. Interested parties

A4.1 Interested parties can make representations about applications for new premises licences applications and variations of an existing premises licence, or apply for a review of an existing licence.

A4.2 Interested 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 Council 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 authorised activities,
(b) has business interests that might be affected by the authorised activities, or
(c) represents persons who satisfy paragraph (a) or (b) above.”

A4.3 In determining whether a person is an interested party, the Licensing Authority shall take into account the following principles:

- Each case will be decided upon its merits, subject to the licensing objectives and to any requirements imposed by the Gambling Act, 2005.
- This authority will not apply a rigid rule to its decision making,
- This authority will give the widest possible interpretation to the term ‘business interest’ in accordance with the Gambling Commissions current Guidance to Licensing Authorities’.
- It will take into account any guidance provided by the Gambling Commission’s current Guidance to Licensing Authorities and other current relevant guidance provided by the Gambling Commission to Licensing Authorities.

A4.4 Interested parties can be persons who are democratically elected such as Councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be affected. Other than these however, the Licensing Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
A.5 **Representations**

A5.1 Representations for or against premises licence applications and premises licence variation applications must be made in writing, include the name and address of the person making the representation and must contain details of the effect of the application based on one or more of the following:

- 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 (It should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.)
- The Council’s Gambling Licensing Policy
- Any relevant current guidance issued by the Gambling Commission,
- Any relevant current code of practice issued by the Gambling Commission,
- The Gambling Act 2005 and any relevant Regulations made there under.

Please note:

a) that this Licensing Authority considers ‘disorder’ to include anti-social behaviour (see number A2.3 above), and
b) that the Licensing Authority is unable to accept representations made purely on moral grounds or planning grounds or which fall outside of its statutory remit as Licensing Authority.

A5.2 All representations must be received by the Licensing Authority within the statutory deadlines set out in either the Act or the Regulations made under the Act. The Licensing Authority cannot legally accept any late representations. Applications will be advertised by a notice places at the premises (in apposition where it can be seen and read by passersby) and by a notice in a local newspaper.

A5.3 Copies of all valid representations (including names and address) will be sent to the applicant in accordance with the provisions of the statutory regulations made under the act

A5.4 Persons making representations should be prepared to attend a Licensing Committee or Sub-Committee hearing to verbally inform the Committee of the grounds for their representation.

A5.5 The Licensing Authority may determine an application for a premises licence without a hearing if it thinks that the representations:

- are vexatious,
- are frivolous, or
will certainly not influence it’s determination of the application.

A5.6 When an application has not attracted relevant representations, the Licensing Authority is compelled under the provisions of the Act to automatically grant the application (with or without licence conditions).

A6. Exchange of Information

A6.1 The Council will exchange information with the Gambling Commission, and the other persons listed in Schedule 6 to the Act, when appropriate and necessary. We will also have regard to any current Guidance issued by the Gambling Commission to Licensing Authorities, as well as any relevant current regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

A6.2 Where any formal protocols are established as regards information exchange with other bodies then they will be made available by the Licensing Team upon request.

A7. Enforcement

A7.1 When making decisions regarding enforcement or inspection regimes the Council will take into account the Gambling Commission’s current Guidance and will endeavour to be:

(a) Proportionate: regulators should only intervene when necessary, and remedies should be appropriate to the risk posed, and costs identified and minimised;
(b) Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
(c) Consistent: rules and standards must be joined up and implemented fairly;
(d) Transparent: regulators should be open, and keep regulations simple and user friendly; and
(e) Targeted: regulation should be focused on the problem, and minimise side effects, and
(f) Within the principles of the Regulators Compliance Code issued by the Department for Business, Enterprise and Regulatory Reform.

A7.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

A7.3 The Licensing Authority may also adopt a risk-based inspection programme that will be based on the Licensing objectives.

A7.4 The Licensing Authority shall whenever appropriate ensure that enforcement is within the principles of the Regulators Compliance Code issued by the Department for Business, Enterprise and Regulatory Reform.
A7.5 The Licensing Authority will also keep itself informed of developments as regards any work of the Better Regulation Executive relating to the Licensing Authority’s regulatory functions under the Gambling Act 2005.

A7.6 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions that it gives. (e.g. compliance with licence conditions). The Gambling Commission is be the enforcement body for the Operating and Personal Licences, Club Gaming Permits, Club Machine Permits and Lotteries. The Metropolitan Police Service also has a wide range of enforcement powers available to it under the provisions of the Act. When the Licensing Authority receive complaints about matters falling outside of its remit, such complaints will be referred to the Gambling Commission and/or the Metropolitan Police Service and/or such other body as may be appropriate.

A7.7 Subject to the above principles relating to enforcement, this Licensing Authority may institute criminal proceedings in respect of an offence under any of the following provisions of the Gambling Act 2005: -

(a) section 37,
(b) section 185,
(c) section 186,
(d) section 229,
(e) section 242,
(f) section 258,
(g) section 259,
(h) section 260,
(i) section 261,
(j) section 262,
(k) section 326,
(l) section 342,
(m) paragraph 20 of Schedule 10,
(n) paragraph 10 of Schedule 13, and
(o) paragraph 20 of Schedule 14.

A8. Licensing Authority functions

A8.1 The main functions and responsibilities of the Licensing Authority under the Act are the:

(a) Licensing of certain premises where gambling activities are to take place and/or gaming machines are provided, by issuing Premises Licences. The types of premises licences being Bingo, Adult Gaming Centre, Family Entertainment Centre, Betting (Track), Betting (Other), and Casino

(b) Issue Provisional Statements for premises being or expected to built or altered, or that a person expects to acquire.
(c) Issue either Club Gaming Permits or Club Machine Permits to members’ clubs and miners’ welfare institutes.

(d) Issue Club Machine Permits to Commercial Clubs

(e) Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres

(f) Receive notifications for certain premises licensed for the sale by retail of alcohol for consumption on the premises under the Licensing Act 2003 for the use of two or fewer gaming machines.

(g) Issue Licensed Premises Gaming Machine Permits for certain premises licensed for the sale by retail of alcohol for consumption on the premises under the Licensing Act 2003 for the use of more than two gaming machines.

(h) Register small society lotteries below prescribed thresholds.

(i) Issue Prize Gaming Permits.

(j) Receive and endorse Temporary Use Notices.

(k) Receive Occasional Use Notices.

(l) Provide information to the Gambling Commission regarding details of licences issued (see section 5 above on ‘information exchange’).

(m) Maintain registers of the permits and licences that are issued under these functions.

(n) Issue notices and other documentation required under the Act and the Regulations made there under.

A.9 Duplication with other regulatory regimes

A9.1 The Licensing Authority will seek to avoid any duplication with other statutory and regulatory systems where possible, unless it believes such duplication is necessary for the promotion of and compliance with the licensing objectives. When considering an application for a premises licence the council will not (under the provisions of the Act) be able to consider matters such as:

- Whether the premises is likely to be awarded planning or building consent, or
- whether the premises is safe for its use (e.g. structurally, means of escape, fire precautions etc), or
- whether the use of the premises under the licence may cause any public nuisance (e.g. to residents in the vicinity),

A9.2 The Licensing Authority will listen to, and consider carefully, any concerns that an applicant will not be able to meet any proposed licensing condition due to planning restrictions.
PART B - PREMISES LICENCES - Matters not covered by Part A

B1. General Principles

B1.1 Premises licences may be obtained for the following categories of gambling premises: -
- Betting (other than a Track)
- Betting (Track)
- Bingo
- Adult Gaming Centre
- Family Entertainment Centre
- Large Casino (subject to the restrictions in the Act and it’s Regulations)

B1.2 Premises Licences are subject to the requirements set-out in the Gambling Act 2005 (the ‘Act’) and Regulations, as well as specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions (upon application) and also when appropriate to attach additional conditions. The holders of premises licences may apply for the variation of their licences. Premises licences may also be transferred to another party.

B1.3 In exercising its functions as the licensing authority this Licensing Authority will, in accordance with section 153(1) of the Act, aim to permit the use of premises for gambling in so far as it considers it:
(a) in accordance with any relevant code of practice issued by the Gambling Commission
(b) in accordance with any relevant guidance issued by the Gambling Commission
(c) reasonably consistent with the licensing objectives (subject to (a) and (b));
(d) in accordance with this Gambling Licensing Policy (subject to (a) – (c)).

B1.4 The grant of premises licences must be reasonably consistent with the licensing objectives, and in this respect this Licensing Authority has considered the Gambling Commission’s current Guidance to Licensing Authorities.

B1.5 The Licensing Authority will take particular care in considering applications for multiple licences for what may be considered a single premises.

B1.6 In the Act “premises” is defined as “any place”, and no premises except for a ‘track’ (see number B11.1) may have more than one premises licence. However, it is possible for a single place such as a building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a place/building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Licensing Authority does not consider that parts of a place/building that:
- are not clearly distinct and identifiable from each other (including their external and internal appearance and décor), or
are artificially separated (e.g. by low and/or transparent partitions or barriers), or
are temporarily separated,

can be properly regarded as different premises. When deciding if parts of a building/place constitute premises in their own right, the Licensing Authority also will take into account the definition of “premises” in the Gambling Act 2005 together with any current Guidance issued by the Gambling Commission.

B1.7 The Licensing Authority will also take particular care in considering applications:

- for a part of a building, when another part of the building is not licensed and is used for non-gambling purposes. In these circumstances the entrances and exits from the licensed premises will have to be separate, identifiable and conspicuously distinct from the unlicensed areas. Persons using the unlicensed areas of the building must not be able to unknowingly ‘drift’ into the licensed area; and/or
- involving access to the licensed premises through other premises (which themselves may be licensed or unlicensed). The Licensing Authority will consider issues such as whether children can gain access; the nature and compatibility of the two establishments; and the ability of the proposed licensed premises to comply with the requirements of the Act and the regulations.

B1.8 When an application is made for a premises licence for a premises that is in the course of construction or alteration, or are still to be constructed or altered, the Licensing Authority will take into account the current Guidance issued by the Gambling Commission. The Licensing Authority will also consider:

- whether the premises ought to be permitted to be used for gambling,
- whether appropriate conditions can be put 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, and
- when the premises intends to start operating under the licence (in order to ascertain whether the application is being made for ‘speculative’ purposes.

B1.9 In considering licensing applications, the Licensing Authority will particularly take into account the following:

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the positioning of cash registers and the standard of any CCTV system.
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any crime, public order and anti-social behaviour issues if the licence is granted.
- The steps proposed by an applicant with regard to the licensing objectives and any licence conditions proposed by the applicant.
B2. Location

B2.1 When considering the location of a premises the Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, and any issues of crime and disorder.

B2.2 This Licensing Authority will take into account, for the protection of children and vulnerable persons, the following when determining whether a premises location is suitable for a grant of a licence:

- The proximity of the premises to any recognised schools, centres or establishments for the education, training or care of young persons and/or vulnerable persons.
- The proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons,
- The proximity of the premises to any youth club or similar establishment, and
- The proximity of the premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons and/or vulnerable persons.

B2.3 Where an area has, or is perceived to have, unacceptable levels of crime and/or disorder, this Licensing Authority will consider carefully whether such an area is suitable for gambling premises and whether licence conditions may be appropriate or successful.

B3. Licence Conditions

B3.1 Any conditions attached by the Licensing Authority to any particular licence will be proportionate and will be:

(a) relevant to the need to make the proposed building suitable as a gambling facility
(b) directly related to the premises and the type of licence applied for;
(c) Fair and reasonable in relation to the scale and the type of premises, and
(d) in the Licensing Authority’s consideration be reasonable in all other respects.

B3.2 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 will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this Policy for each of the different licence types.

B3.3 The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's current Guidance.
B3.4 The Licensing Authority will also ensure that where category A to C gaming machines are on offer in premises to which children are admitted:

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

B3.5 The above considerations will apply to premises including buildings where multiple premises licences are applicable.

B3.6 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, with each licence relating to a specified area of the track. The Licensing Authority will consider the impact upon the licensing objective that refers to the protection of children. It will require that the entrances to each part of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. The Licensing Authority will take into consideration any guidance issued by the Gambling Commission in this respect.

B3.7 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences, and these are stipulated in the Act or its statutory regulations.

B3.8 Applicants may offer licence conditions to the Licensing authority as a part of their application. Examples of such conditions are:

1. The premises shall be fitted out and operational within 6 months of the issue of the licence.

2. The Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.

3. There shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 21 years.
4. "Challenge 21":
   A. The Licensee shall have a "Challenge 21" policy whereby all customers who appear to be under the age of 21 are asked for proof of their age.
   
   B. The Licensee shall prominently display notices advising customers of the "Challenge 21" policy.
   
   C. The following proofs of age are the only ones to be accepted:
      - Proof of age cards bearing the "Pass" hologram symbol
      - UK Photo Driving licence
      - Passport

   Alternatively, applicants may wish to consider and have a "Challenge 25" Policy.

5. Staff Competence and Training:
   A. The Licensee shall keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.
   
   B. The Licensee shall ensure that each member of staff authorised to verify the age of customers has received adequate training on the law with regard to under age gambling and the procedure if an underage person enters the premises, and that this is properly documented and training records kept. The training records to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.
   
   C. The Licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his/her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

6. Refusals Book:
   A. The licensee to keep a register (Refusals Book) to contain details of time and date, description of under age persons entering the premises, and the name/signature of the sales person who verified that the person was under age.
   
   B. The Refusals book to be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.
   
   C. The Refusals Book to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.
7. **CCTV:**
   A. The CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public.
   
   B. The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the Police or an officer of the Licensing Authority, upon request.

B4. **Numbers of Staff and Door Supervisors**

B4.1 The Licensing Authority will consider on a case by case basis whether the numbers of staff proposed to be on duty at a premises at any one time are adequate in relation to the control of the premises and especially with regard to the monitoring of persons using the premises, age verification, the ejection of or refusal to serve persons, and the maintenance of good order on the premises.

B4.2 When making an application for a licence, applicants are recommended to inform the Licensing Authority of the numbers of staff that will be on duty at the premises at any one time and the times that such numbers will be on duty.

B4.3 The Licensing Authority will consider on a case by case basis whether there is a need for door supervisors to meet the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and preventing the premises becoming a source of crime.

B4.4 It is noted that door supervisors at casinos or bingo premises, who are directly employed by the casino or bingo premises operator, are not required to be licensed by the Security Industry Authority. The Licensing Authority’s policy expectations for such door supervisors working at casinos or bingo premises are that the Licensing Authority will expect the door supervisors to have:

   - a competency qualification of Level 2 for Door Supervision in the National Qualification Framework (NQF), or
   - an equivalent qualification or training which would meet the criteria of the Security Industry Authority for the licensing of that person as a Door Supervisor by that Authority.

The above expectations are in recognition of the nature of the door supervisors’ work in terms of searching individuals, dealing with potentially aggressive persons, young and vulnerable persons etc.

A book shall be kept at the premises, which is maintained with the following records:

   - the identity (including their full name and address) of the door supervisor deployed;
   - the time they commenced and finished duty; and
   - all incidents that the door supervisors dealt with.
If there are any future changes in the licensing or approval/registration regime administered by the Security Industry Authority that affect door supervisors these will be taken into account by the Licensing Authority.

B4.5 The term ‘door supervisor’ means any person:

(a) guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage; or
(b) guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.

B4.6 For premises other than casinos and bingo premises, the Licensing Authority may decide that supervision of entrances/exits/machines is appropriate for particular cases.

B5. Protection of children and vulnerable persons – specific requirements for premises other than Betting Premises

B5.1 Adult Gaming Centres: -

The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures/licence conditions may cover issues such as:

(a) Proof of age schemes
(b) CCTV
(c) The numbers of staff on duty at any one time.
(d) Door supervisors
(e) Supervision of entrances/machine areas
(f) Physical separation of areas
(g) Location of entry
(h) Notices / signage
(i) Specific opening hours
(j) Self-barring schemes
(k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

B5.2 (Licensed) Family Entertainment Centres

The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate measures/licence conditions may cover issues such as:

a) Proof of age schemes
b) CCTV
c) The numbers of staff on duty at any one time.
(d) Door supervisors  
(e) Supervision of entrances/machine areas  
(f) Physical separation of areas  
(g) Location of entry  
(h) Notices / signage  
(i) Specific opening hours  
(j) Self-barring schemes  
(k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

This Licensing Authority will refer to any Operating Licence conditions, current Guidance or Codes of Practice by the Gambling Commission as to the way in the area’s containing category C or higher machines should be delineated and/or separated.

B5.3. Casinos

The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 8 year olds do not have access to the premises. Appropriate measures / licence conditions may cover issues such as:

(a) Proof of age schemes  
(c) CCTV  
(c) The numbers of staff on duty at any one time.  
(d) Door supervisors  
(e) Supervision of entrances/machine areas  
(f) The distinction between table gaming, other gambling/gaming and non-gambling areas areas  
(g) Location of entry  
(h) Notices / signage  
(i) Specific opening hours  
(j) Self-barring schemes  
(k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

B5.4. Bingo Premises

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will require that:

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

Appropriate measures/licence conditions may cover issues such as:

(a) Proof of age schemes
(b) CCTV
(c) The numbers of staff on duty at any one time.
(d) Door supervisors
(e) Supervision of entrances/machine areas
(f) Physical separation of areas
(g) Location of entry
(h) Notices / signage
(i) Specific opening hours
(j) Self-barring schemes
(k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.’

This Licensing Authority will take account of any current guidance from the Gambling Commission as to the suitability and layout of bingo premises.

B6. Betting Premises

B6.1 There are two different types of premises that require a betting licence. The licences for these premises are named ‘Betting Premises Licence (In Respect Of Premises Other Than A Track)’ and ‘Betting Premises Licence (In Respect Of a Track)’.

B6.2 Betting Premises Licence (In Respect Of Premises Other Than A Track)

B6.2a This type of licence allows premises (i.e. betting offices) to provide ‘off course’ betting i.e. betting that takes place other than at a track. There are also betting offices at tracks that have a separate premises licence from the track licence. Tracks and betting offices at tracks are discussed in the following section.

B6.2b This Licensing Authority may, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licence condition. When considering whether such a condition should be imposed, the Licensing Authority will take into account:
- the size of the premises,
- the number and location of the machines
- the number of counter positions available for person-to-person transactions, and
- the numbers of, and ability of staff to monitor the licensed premises and prevent persons under the age of 18 from entering the premises.

B6.2c The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. However appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- The numbers of staff on duty at any one time.
- Door supervisors
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

B6.3  Betting Premises Licence (In Respect Of a Track)

B6.3a General
Tracks are sites (including football stadium, horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.

The holders of a track premises licence do not need to have an operating licence issued by the Gambling Commission unless they themselves wish to offer betting facilities at the track. Under the legislation the licence allows anyone with an operating licence to offer ‘on course’ betting facilities at a licensed track.

Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specified area of the track. There can be a ‘main’ premises licence and, in addition, ‘subsidiary’ premises licences for the parts of the track not covered by the main licence.

B6.3b Children and Young Persons
Children and young persons are allowed to be present on a track licensed premises whilst betting is taking place, although they not allowed to enter
areas of the track where gaming machines (other than category D machines) are provided. Therefore the Licensing Authority will carefully consider the impact of the licensing objective of the protection of children and vulnerable persons in relation to each application for premises licences at a track.

We will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gambling/gaming facilities. Appropriate measures/ licence conditions may cover issues such as:

(a) Proof of age schemes  
(b) CCTV  
(c) The numbers of staff on duty  
(d) Door supervisors  
(e) Supervision of entrances/machine areas  
(f) The physical separation of, and clear distinction of areas  
(g) Location of entry  
(h) Notices/signage

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

B6.3d **Betting machines (also known as Bet Receipt Terminals) at tracks**

The potential space for betting machines at a track may be considerable, bringing with it significant problems in relation to:

- the proliferation of such machines,
- the ability of track staff to supervise the machines if they are scattered around the track ,and
- preventing persons under the age of 18 from being able to use the machines.

This Licensing Authority will, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at a betting premises by attaching a licence condition to a betting premises licence. When considering whether such a condition should be imposed, the Licensing Authority will take into account:

- the size of the premises,
- the number and location of the machines
- the number of counter positions available for person-to-person transactions, and
- the ability of staff to monitor the licensed premises and prevent persons under the age of 18 from using the machines.

B6.3e **Condition on rules being displayed at tracks**

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. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.
B6.3f Applications and plans for tracks

Applicants must comply with any relevant regulations or guidance issued by the Gambling Commission in relation to applications for tracks. Applicants must ensure that the Licensing Authority is made completely aware of what it is being asked to licence.

The information submitted with the application must include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of:

- dog tracks and horse racecourses,
- fixed and mobile pool betting facilities operated by the Tote or track operator, and
- other proposed gambling facilities,

the plans should make clear what is being sought for authorisation under the track betting premises licence. It must also be made clear what, if any, other areas are to be subject to a separate application for a different type of premises licence.

Unless there is a compelling reason to not do so, the Licensing Authority will require all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This will ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

B7. Travelling Fairs

Travelling fairs (as defined in the Act) may provide an unlimited number of Category D gaming machines and equal chance prize gaming without the need for any authorisation from the Licensing Authority, provided that such facilities amount to no more than an ancillary amusement at the fair.

There is a 27-day per calendar year statutory limit for a piece of land being used as a fair, and this regardless of whether it is the same or different travelling fairs using the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries are monitored so that the statutory limits are not exceeded.

B8. Provisional Statements

Application for a provisional statement can be made for premises that an applicant expects to be constructed or to be altered, or expects to acquire the right to occupy. Representations can be made against an application for a provisional statement in the same manner as for a premises licence. The process for considering an application for a provisional statement is the same as that for premises licences (with the exceptions that an applicant need not have the right to occupy the premises and need not have an operating licence).
Once the premises have been constructed, altered or acquired by the holder of a provisional statement, they can put in an application for the necessary premises licence.

If a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises licence is subsequently made in relation to the same premises.

No further representations from relevant authorities or interested parties can be taken into account in relation to the premises licence application 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 Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

a) which could not have been raised by way of representations at the provisional licence stage, or
b) which, in the authority’s opinion, reflect a change in the operator’s circumstances, or
c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application.

Note: This must be a substantial change to the plan and the Licensing Authority will discuss any concerns they have with the applicant before making a decision.

Section 210 of the Act (which applies to premises licences and provisional statements) makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

B9. Reviews

A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from interested party or responsible authority. A formal review of a premises licence may result in the Licensing Authority imposing additional conditions or revoking the licence.

B9.1 Initiation of review by Licensing Authority

The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review, or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by Licensing Committee or one of its Sub-Committees.

In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence
holders have made to comply with licence conditions. In relation to these
general reviews, the Licensing Authority will most likely be acting as a result of
specific concerns or complaints about particular types of premises, which would
cause them to want, for example, to look at the default conditions that apply to
that category of licence.

In relation to particular premises, the Licensing Authority may review any matter
connected with the use made of the premises if it has reason to suspect that
premises licence conditions are not being observed, or for any other reason
(such as a complaint from a third party) which gives them cause to believe that
a review may be appropriate.

B9.2 Application for review by responsible authorities and interested parties

Whilst, requests for a review of a premises licence can be made by interested
parties or responsible authorities, it is for the Licensing Authority to decide
whether the review is to be carried-out. However the Licensing Authority
recognises that its decision to carry out a review must not amount to pre-judging
the outcome of the review.

An application for a review may be (but need not be) rejected if the Licensing
Authority thinks that the grounds on which the review is sought:

- are not relevant to the principles that must be applied by the Licensing
  Authority in accordance with section 153 of the Act.
  Note: If the application raises issues that are not relevant to the current
  Gambling Commission guidance, current codes of practice, this Policy
  statement, or the licensing objectives, then we may reject it. In addition, if
  the application raises general objections to gambling as an activity, that is
  likely to be irrelevant to the principles in section 153, given that we are
  required to permit the use of premises for gambling in so far we think that
  permission is in accordance with the matters set out in that section.
  Examples that are likely to be irrelevant include demand for gambling
  premises, issues relating to planning, public safety, and traffic congestion;
- that the grounds are frivolous;
- that the grounds are vexatious;
- that the grounds “will certainly not” cause the authority to revoke or
  suspend a licence or to remove, amend or attach conditions on the
  premises licence;
- are substantially the same as the grounds cited in a previous application
  for review relating to the same premises. In these circumstances we will
  take into account how much time has passed since the earlier application
  in reaching a judgement about whether it is reasonable to rely on this as a
  reason not to review the licence; or
- are substantially the same as representations made at the time the
  application for a premises licence was considered. In these circumstances
  the Licensing Authority will take into account the period of time that has
  passed since the representations were made, but the underlying
  requirement is that the Licensing Authority should not review the licence
  on the basis of the same arguments considered on the grant of the
  premises licence.
The matters which will generally be considered relevant for any review are:

(a) any relevant current code of practice issued by the Gambling Commission;
(b) any relevant current guidance issued by the Gambling Commission;
(c) the licensing objectives;
(d) the Council’s Statement of Gambling Licensing Policy, and
(e) The Gambling Act 2005 and the Regulations made thereunder
PART C - PERMITS/TEMPORARY & OCCASIONAL USE NOTICES

C1. Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits (Statement of Principles on Permits)

C1.1 Unlicensed Family Entertainment Centres (FECs) normally cater for families, including unaccompanied children and young persons.

C1.2 Unlicensed FECs can only provide category D machines under a gaming machine permit, and an unlimited number of such machines can be made available. Permits cannot be issued to vessels or vehicles.

C1.3 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Gambling Act).

C1.4 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Metropolitan Police have been consulted on the application. The Licensing Authority will require applicants to demonstrate:

a) a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; ) and

c) that staff are trained to have a full understanding of the maximum stakes and prizes.

C1.5 Whilst the Licensing Authority can grant or refuse an application, it cannot attach conditions to this type of permit.

C1.6 The Licensing Authority will expect the applicant to show that they have 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:

a) criminal record checks for staff,

b) appropriate measures / training for staff as regards suspected truant school children on the premises,

c) appropriate measures/ training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on or around the premises.

C2. (Alcohol) Licensed Premises Gaming Machine permits/automatic entitlement

C2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing
Authority. However the Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

C2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any current guidance issued by the Gambling Commission and such matters as it thinks relevant. This Council 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. The applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons this applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

C2.3 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 to the permit.

C2.4 The holder of a permit must comply with any current Code of Practice issued by the Gambling Commission about the location and operation of the machine.

C2.5 It is possible that some alcohol licensed premises may wish to for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as a Family Entertainment Centre or Adult Gaming Centre premises licence.

C3. Prize Gaming Permits

C3.1 The Licensing Authority requires that an applicant set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

(a) that they understand the limits to stakes and prizes that are set out in Regulations; and
(b) that the gaming offered is within the law.
C3.2 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 current Gambling Commission guidance.

C3.3 There are statutory and mandatory conditions in the Gambling Act 2005 that the permit holder must comply with and the Licensing Authority cannot impose any additional conditions. The conditions in the Act are:

(a) the limits on participation fees, as set out in regulations, must be complied with;
(b) 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;
(c) 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
(d) participation in the gaming must not entitle the player to take part in any other gambling.

C4. Club Gaming Permits and Club Machines Permits

C4.1 Members Clubs and Miners’ Welfare Institutes may apply for a Club Gaming Permit or a Club Machines Permit. Commercial Clubs may apply for a Club Machines Permit. The Club Gaming Permit will enable the premises to provide the number of categories B, C or D gaming machines set out in regulations, equal chance gaming and games of chance. A Club Gaming Machines Permit will enable the premises to provide the number of categories B, C or D gaming machines set out in regulations.

C4.2 The criteria for qualification as a Members Club, Miners’ Welfare Institute or Commercial Club are set out in sections 266 to 268 of the Gambling Act 2005.

C4.3 The Licensing Authority may only refuse an application on the grounds that:

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

C4.4 It should be noted that there is a ‘fast-track’ procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the
Gambling Commission or the Police. The grounds on which the Licensing Authority may refuse an application under the process are:

(a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12 of the Act;
(b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
(c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

C5. **Temporary Use Notices**

C5.1 The procedures for temporary use notices are stipulated in the Act and the Regulations made thereunder. There are a number of statutory limits as regards temporary use notices. The limits are set out in the Act as:

(a) A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months, and
(b) A set of premises may be the subject of more than one temporary use notice in a period of 12 months (provided that the aggregate of the periods for which the notices have effect does not exceed 21 days).

C5.2 The purposes for which a temporary use notice may be used are restricted to providing facilities for equal chance gaming (other than machine gaming) where those participating in the gaming are taking part in a competition which is intended to produce a single overall winner. An example of this could be a poker competition.

As with "premises" (see Part B, Premises Licences, Definition of "premises") the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", this Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises. This Licensing Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

The Licensing Authority will also have regard to the licensing objectives and will object to notices if considers that the gambling should not take place, or only take place with modifications.

The principles that the Licensing Authority will apply in considering whether or not to issue a counter notice in relation to a temporary use notice are the same as those it will use in determining premises licence applications.
C6. **Occasional Use Notices**

C6.1 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. Although this Licensing Authority will need to consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.
## APPENDIX A

### GLOSSARY OF TERMS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
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<tbody>
<tr>
<td>Adult Gaming Centres</td>
<td>Persons operating an adult gaming centre (AGC) must hold a gaming machines general operating licence from the Commission and have an AGC premises licence from the Licensing Authority. They will be able to make category B, C and D gaming machines available to their customers.</td>
</tr>
<tr>
<td>Alcohol licensed premises gaming machine permits</td>
<td>The Licensing Authority can issue such permits for any number of category C or D machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category C or D for use in alcohol licensed premises.</td>
</tr>
<tr>
<td>Applications</td>
<td>Applications for licences and permits.</td>
</tr>
<tr>
<td>Authorisations</td>
<td>This Policy relates to all authorisations, permits, licences etc, which the Licensing Authority is responsible for under the Gambling Act 2005.</td>
</tr>
<tr>
<td>Betting Machines</td>
<td>A machine designed or adapted for the use to bet on future real events (not Gaming Machine).</td>
</tr>
<tr>
<td>Bingo</td>
<td>A game of equal chance. Whilst there is no statutory definition of Bingo, generally there are two different types of bingo:</td>
</tr>
<tr>
<td></td>
<td>• cash bingo, where the stakes paid made up the cash prizes that were won; or</td>
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<tr>
<td></td>
<td>• prize bingo, where various forms of prizes were won, not directly related to the stakes paid.</td>
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<tr>
<td></td>
<td>Premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms.</td>
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<tr>
<td></td>
<td>Adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit, will be able to offer prize gaming, which includes prize bingo.</td>
</tr>
<tr>
<td>Casino</td>
<td>An arrangement whereby people are given an opportunity to participate in one or more casino games.</td>
</tr>
<tr>
<td>Children/Child</td>
<td>Individual who is less than 16 years old.</td>
</tr>
<tr>
<td>Club Gaming Machine Permit</td>
<td>Permit to enable commercial and non-commercial clubs to provide at their premises the number of gaming machines (Category B, C or D) as set out in the regulations.</td>
</tr>
</tbody>
</table>
Club Gaming Permit: Permits to enable members’ clubs and miners’ welfare institutes (but not a commercial club) to provide at their premises the number of gaming machines (Category B, C or D), equal chance gaming and games of chance as set out in the regulations.


Default Conditions: Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Disorder: Disorder includes anti-social behaviour (see number A2.3 of the Policy).

Equal Chance Gaming: Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

FECs: Family entertainment centres.

Occasional use notices: Where there is betting on a track on up to eight days in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. A track includes a horse race course, dock track and temporary tacks for races or sporting events.

Operating licence: Authorised individuals or companies to provide facilities for certain types of remote or non-remote gambling. These licences are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operating. A single licence cannot authorise both remote and non remote activities; separate operating licences are needed for this. Conditions may be attached.

Personal licence: Except for small scale operations, for each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gambling Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.
Premises

Premises is defined in the Act as “any place”. A single premises (with the exception of a “track”) may not have more than one premises licence at any time.

Premises Licence

Authorises the provision of facilities for gambling on premises for casinos, bingo, betting including tracks, adult gaming centres and family entertainment centres. These licences will be valid for the life of the premises, subject to any review. The licence will lapse if the annual fee is not paid. These licences are transferable to someone else holding a valid operating licence.

Prize gaming permits

This permit allows the provision of facilities for gaming and prizes on specified premises. “Prize gaming” refers to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

Temporary use notices

These licences authorise the person or company holding a relevant operating licence to use the premises temporarily for providing facilities for gambling where there is no premises licence. Such premises may include hotels, conference centres and sporting venues.

Unlicensed family entertainment centre gaming machine permits

These allow the use of category D gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.

Vulnerable persons

See section A2.5(b) of this Policy concerning the ‘definition’ of vulnerable persons

Young person

Persons who are 16 to 18 years old.