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8 Mint Walk
Croydon CR0 1EA

Tel/Typetalk: 020 8760 5466
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Please ask for/reply to: Michael Goddard

Your Ref:
Our Ref:
Date: 25 September 2018

Dear Stakeholder,

Consultation on the London Borough of Croydon's Revised Statement of Principles under the Gambling Act 2005

In November 2006, the Council published its first Statement of Principles ("Statement") as per the requirements of the Gambling Act 2005 ("the Act"). The Statement is a policy document and sets out how the Council will exercise its functions under the Act.

The Council is required, by law, to review and publish its revised Statement every 3 years and part of the review process is to consult stakeholders on the proposed changes and the revised Statement prior to its consideration by the Licensing Committee and prior to any recommendation to Full Council for adoption. Once adopted, the new Statement of Principles will be published and implemented. The Statement was previously reviewed in 2009, 2012 & 2015 and we are now consulting as part of the fourth 3 year review.

The Statement has not been altered substantially from the 2015 version but it is proposed that it be updated to:

- Reflect updated data protection regulations/requirements
- Update to population numbers as reflected in the introduction to the Statement
- Update references to the Members' Code of Conduct which forms part of the Council's Constitution, and reference the involvement of the Council's Monitoring Officer in providing advice to Members in relation to their responsibilities regarding Disclosable Pecuniary Interests and potential conflicts of interests
- Include a reminder that the Statutory Guidance makes clear that Licensing Authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.
- Note that whereas previous legislation required that the grant of certain gambling permissions should take account of whether there was unfulfilled demand for the facilities, this is no longer the case and each application

- must be considered on its merits without regard to demand.
- Highlight some additional matters within Part B of the Statement which form part of the Statutory Guidance in relation to the risk assessments required to be undertaken by operators
- Operators are also reminded of the 'Sui Generis Use Class' status of betting shops in the Planning context which came into being in 2016.
- Make reference to publications from the Gambling Commission and the Local Government Association regarding the perceived links between gambling and public health harms.
- Include the statutory definition of "Tracks" within the Statement of Principles
- Reflect the latest updates to the Statutory Guidance "Guidance to Licensing Authorities 5th Edition" (last updated in September 2016) produced by the Gambling Commission where the current Statement had included text and paragraph references from the earlier version of the Gambling Commission guidance

The Council believes these amendments are necessary to reflect enhanced data protection measures and to make readers aware of guidance and research produced by other key organisations.

I invite you to read the attached revised draft Statement of Principles. If you wish to make any comments on the proposed revisions or any other aspect(s) of the Statement you can do so in the following ways:

1. By completing the survey which can be accessed via the link:

www.croydon.gov.uk/gamblingact

2. In writing to the below address, with correspondence to be received by no later than 5pm on 5 November 2018 to:

The Licensing Team
Place Department
London Borough of Croydon
Floor 6, Zone A
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

3. By email to licensing@croydon.gov.uk said email to be received by no later than 5pm on 5 November 2018.

To find details about how the Council will use your personal information, your data rights and how we protect your privacy in compliance with our requirements under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2018 in relation to this consultation, please view the Council's Corporate Privacy Notice here: <https://www.croydon.gov.uk/democracy/data-protection-freedom-information/privacy-notice/corporate-privacy-notice> .

All comments received via the above referenced means and within the time frame set out, will be considered and where appropriate, will be incorporated into the final version of the Statement.

The draft Statement is being circulated, where possible, electronically. If you would prefer a hard copy or if you require the survey or any of the consultation tools in a different format, please contact the Council's Licensing Team on 020 8760 5466 or licensing@croydon.gov.uk .

Lastly, and as separate and distinct from the Statement of Principles, I wanted to take this opportunity to make you aware that, due to the concerns raised in the recent publications from the Gambling Commission and the Local Government Association, which indicate links to public health harms and gambling it is proposed to begin considering the ways in which the Council and stakeholders can begin to create a dialogue around perceived and actual public health harms in Croydon associated with gambling in the borough with a view to collating Croydon specific data on the effects, or indeed lack thereof, for our residents.

The exact scope and format of this interaction and information gathering is yet to be determined but I would ask that, if you wish to be involved in or are able to contribute to a piece of work of this nature, you contact me via the Council's licensing team at licensing@croydon.gov.uk in order that we may firstly gauge the level of interest in this proposal and also then look to establish suitable parameters should this proposed engagement progress.

Yours faithfully,



Councillor Hamida Ali
Cabinet Member for Communities, Safety & Justice

GAMBLING ACT 2005

Statutory 3 Year Review of Local Authority Statement of Principles

List of Consultees*

All LB Croydon Ward Councillors
The GLA Assembly Member for Croydon & Sutton
The three borough Members of Parliament

Five hundred and fifty four (554) Voluntary & Community Sector Groups in the borough

Representatives of Premises Licence Holders & Small Society Lottery Registrations under the Gambling Act 2005 in the borough

The Metropolitan Police & the other Responsible Authorities under the Gambling Act 2005 (including the Gambling Commission, the national regulator for gambling)

The neighbouring London boroughs of Sutton, Merton, Lambeth and Bromley

Croydon BID
LB Croydon Access Officer

GamCare
Gamble Aware

In addition to the above, the Council utilised a wide range of communication channels (including social media, the Council engagement portal and Your Croydon) to bring the consultation to the attention of residents and businesses in the borough.

*The consultation documents gave readers the opportunity to submit comments in writing to the Council licensing team and/or via an online survey.

Your views on the revised Statement of Principles - 3 views

I am opposed to gambling shops in general. They are always in the poorest neighbourhoods or close to communities at risk of gambling addiction. They bring zero positive things to any communities. Have you seen many betting shops in Belgravia?

Your views on the revised Statement of Principles - 4 should we adopt

Not sure

Your views on the revised Statement of Principles - 5 tell us why not adopt

Too long to read. It'd be better to have some sort of shorter document with the main points the council wants to put across for and against gambling. But my opinion is, ban betting shops. They bring NOTHING positive for the community, only pain

Your views on the revised Statement of Principles - 6 Impact

Like I said before, unfortunately too long a document to read and understand properly. Ban betting or at least if that's not possible, stop giving new licenses and raise taxes for those shops so they have to stop trading. Betting is an illness, an addiction, and brings nothing good to a community

Your views on the revised Statement of Principles - 3 views

Too lax. There are way too many gambling houses littering the streets of Croydon, from the central area all the way to our quiet neighbourhood streets, where instead of convenience shops or actual useful establishments, we have things like betting shops. We have been accosted by gambling addicts who come outside the shops, beg for money "for food", then go straight back in to gamble with my money, having lied to our faces. Clearly gambling addiction is taking its toll on those most in dire need. Croydon is promoting gambling as a quick way to earn money by your lax protocols and clear preference to allow things like multiple gambling shops within very close vicinity of each other. This is not right. The revised statement should be addressing the concerns you laid out in your consultation letter: accept it is a growing issue and concern, both for addicts and residents who need to put up with it.

Your views on the revised Statement of Principles - 4 should we adopt

Not sure

Your views on the revised Statement of Principles - 5 tell us why not adopt

It is not good enough. Things like "self exclusion forms" are useless. It's like asking a crack addict to sign a form to stop smoking crack. We need realistic policies to face a serious problem, not this, quite frankly--bullshit soft policy that will not get us anywhere, except for to promote more of this addiction. Self-restraint is not the way. You don't expect self-restraint from addicts. Face the problem: be hard but kind on your residents. For all our well being.

Your views on the revised Statement of Principles - 6 Impact

It gives me further distaste about where Croydon is heading policywise. We have been here now for almost 5 years, the problem is not getting better, it's getting worse. Every time something closes, a good chance that a betting shop is going to pop up in its place. We aren't addressing problems, just bending further to the whim of these chains of betting shops and other gambling houses. We're not restricting them from popping up, we're encouraging them by giving them get-out clauses so they can shirk all responsibility: "All these easy-to-tick-and-meaningless 'safety' criteria are met, so we can open a new betting establishment" "Oh, they can SELF-RESTRICT themselves so they can't walk in and gamble all their money away in our betting shop"--Seriously? You seriously think that's going to work? Heh.

Your views on the revised Statement of Principles - 3 views

Absolutely appalled

Your views on the revised Statement of Principles - 4 should we adopt

Not sure

Your views on the revised Statement of Principles - 5 tell us why not adopt

We cannot STAND the excessive amount of gambling outlets in North of the borough. It is an infectious disease that is blighting many families and their loved ones who are addicts.

Your views on the revised Statement of Principles - 6 Impact

Just cut this evil plague out of the borough.

RESPONSE 4

A3

Sent: 26 September 2018 14:39

To: Goddard, Michael <Michael.Goddard@crowdon.gov.uk>

Subject: Draft Statement of Principles for Gambling

Dear Michael

I have read the draft Statement of Principles and have just a few comments to make. Please note, this is not a representation, so there is no need to treat it as such. These comments are purely for your information and assistance.

1. **Primary gambling activity:** In the draft, we note there are references in some places to "primary gambling activity". This term is no longer used by the Commission. It has been replaced by SR Code 9.1.2 on page 75 of the Licence Conditions and Codes of Practice: <https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice-April-2018.pdf> We would suggest reference to "primary gambling activity" is removed and reference is made instead to SR Code 9.1.2 on gambling machines in gambling premises. This is something solicitors are likely to note when they make comments.
2. The reference to the current Licence Conditions and Codes of Practice document issued by the GC is out of date (refers to February 2015). The current edition came into effect in April 2018 and can be found at the link mentioned in bullet point 1.
3. **Local area risk assessments:** The Commission recommends local authorities ask for the LARA to be kept on the licensed premises to which it relates in their Statement of Principles. Although not a statutory requirement, you may ask for it within your SOP. This ensures the staff have access to the LARA and that authorised officers can see it when they undertake gambling premises inspections. I note you have stated you wish the LARA to be made available on request, but you may wish to clarify what this means by specifically stating a copy of it should be kept on the relevant premises.
4. **Club Gaming permits:** As you know, Club Gaming Permits can be abused to provide illegal casinos (i.e. run for commercial gain). You may wish to consider adding more detail here about what you will consider before granting a Club Gaming Permit. I have included some possible considerations below. These are suggestions, and it would of course be for the Licensing Authority to decide what standard of evidence it requires to ensure the premises are being used as a bona fide members club and thus meets the criteria to obtain a Club Gaming Permit.

Suggestions re: Club Gaming Permits

Club Gaming and Club Machine Permits

1. Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs such as snooker clubs run on a profit basis may apply for a club machine permit. Each type of permit allows the provision of different types of gaming and provision of gaming machines. The current entitlements can be found by visiting the Gambling Commission's website (www.gamblingcommission.gov.uk).
2. A commercial club is defined as a club where membership is required but the club is operated for commercial gain.
3. A non-commercial club is a club where no commercial gain is made. A non-commercial club must meet the following criteria to be considered a members' club:

- it must have at least 25 members;
- it must be established and conducted wholly or mainly for purposes other than gaming (except for bridge or whist);
- it must be permanent in nature;
- it must not be established to make a commercial profit;
- it must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

4. The Licensing Authority may only refuse an application on the grounds that:
 - a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - b) the applicant's premises are used wholly or mainly by children and/ or young persons;
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - d) a permit held by the applicant has been cancelled in the previous ten years; or
 - e) an objection has been lodged by the Gambling Commission or the Police.
5. There is also a "fast-track" procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:
 - (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
6. There are statutory conditions on club gaming permits that no child may use a Category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.
7. The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. To do this, it may require proof of additional information from the operator such as:
 - is the primary activity of the club something other than gaming?
 - are the club's profits retained solely for the benefit of the club's members?
 - are there 25 or more members?
 - are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
 - do members participate in the activities of the club via the internet?
 - do guest arrangements link each guest to a member?

- is the 48-hour rule being applying for membership and being granted admission being adhered to?
 - are there annual club accounts available for more than one year?
 - how is the club advertised and listed in directories and on the internet?
 - are children permitted in the club?
 - does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
 - is there a list of Committee members and evidence of their election by the club members?
8. When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:
- Who makes commercial decisions on behalf of the club?
 - Are the aims of the club set out in the constitution?
 - Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
 - Is the club permanently established? (Clubs cannot be temporary).
 - Can people join with a temporary membership? What is the usual duration of membership?
 - Are there long-term club membership benefits?
9. Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:
- How many nights a week gaming is provided;
 - How much revenue is derived from gambling activity versus other activity;
 - How the gaming is advertised;
 - What stakes and prizes are offered;
 - Whether there is evidence of leagues with weekly, monthly or annual winners;
 - Whether there is evidence of members who do not participate in gaming;
 - Whether there are teaching sessions to promote gaming such as poker;
 - Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
 - Whether there is sponsorship by gaming organisations;
 - Whether participation fees are within limits.

I hope this information is useful to you, and please contact me if there is anything you would like to clarify.

Best wishes

Compliance Manager

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP

Telephone: 0121 230 6603

www.gamblingcommission.gov.uk

Sent: 01 October 2018 14:15
To: Goddard, Michael <Michael.Goddard@croydon.gov.uk>
Cc: LICENSING <LICENSING@croydon.gov.uk>
Subject: RE: Gambling Act 2005

Hello Michael,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

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We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,

Head of Marketing and Communications

T: 020 7801 7028

E: catherine.sweet@gamcare.org.uk



Click here to sign up to our free, monthly e-newsletter

RESPONDER 6

A3

From: Info [mailto:info@gambleaware.org]
Sent: 03 October 2018 13:11
To: Goddard, Michael <Michael.Goddard@croydon.gov.uk>
Subject: RE: Gambling Act 2005

Hi Michael,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

GambleAware is an independent charity tasked to fund research, education and treatment services to help to reduce gambling-related harms in Great Britain. We work in partnership with the Gambling Commission and its independent advisors, the Responsible Gambling Strategy Board, to deliver many aspects of the National Responsible Gambling Strategy.

Due to the resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, we do strongly commend two recent publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers.

<https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
<https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

We fully support local authorities which conduct an analysis to identify areas with increased levels of risk for any reason, but particularly where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling related harm – children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services – and include additional licence requirements to mitigate this increased level of risk.

We hope this helps,

Kind regards,

GambleAware®

7 Henrietta Street • London • WC2E 8PS

General +44 (0) 20 7287 1994
Website about.GambleAware.org

For information and advice: BeGambleAware.org

For confidential support and treatment: National Gambling Helpline 0808 8020 133

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GambleAware processes personal information for certain legitimate business interests and records sensitive personal information when necessary to meet its duty of care. To learn more about these interests, when we may process your information in this way, and your rights please [click here](#).

APPENDIX 4

Respondee	How / When	Comments incorporated into policy	Comments not incorporated into policy
A resident – letter marked Respondee 1.	Online 'Get Involved' Survey completed 05/10/18. The writer has provided answer text to questions 3, 4, 5 & 6 of the online survey.	-	Resident raises concerns regarding betting in general and suggests banning the activity. The activity is legal though subject to controls. Moral objections to that activity cannot be taken into consideration.
A resident – letter marked Respondee 2.	Online 'Get Involved' Survey completed 05/10/18. The writer has provided answer text to questions 3, 4, 5 & 6 of the online survey.	-	There is no provision for cumulative impact in the gambling legislation or statutory guidance to the legislation. The writer makes reference to the covering letter that accompanied the amended policy document and indicates support for the research work the Council intends to undertake ancillary to the policy document.
A resident – letter marked Respondee 3.	Online 'Get Involved' Survey completed 02/11/18. The writer has provided answer text to questions 3, 4, 5 & 6 of the online survey.	-	Writer raises concerns about the number of gambling outlets in their area. There is no provision for cumulative impact in the gambling legislation or statutory guidance to the legislation. Gambling is a legal activity, though subject to controls.

<p>Gambling Commission Compliance Manager – letter marked Respondee 4.</p>	<p>Email dated 26/09/18</p>	<p>Point 1 of email/letter – Statement amended accordingly at pages 8/9</p> <p>Point 2 of email/letter – Statement amended accordingly at page 9</p> <p>Point 3 of email/letter – Statement slightly amended at page 10 with addition of 'Ideally, a copy of the current local area risk assessments will be kept at the licensed premises' immediately before 'Local Area Profiles' heading.</p>	<p>Point 4 of email/letter regarding Club Gaming Permits – not felt necessary to add additional text re Club Gaming Permits as suggested as this information is already available in other documents or by contacting the Council's licensing team</p>
<p>GamCare – letter marked Respondee 5.</p>	<p>Email dated 01/10/18</p>		<p>GamCare raise general and valid issues of concern and provide useful suggestions in their letter however it is believed that the Statement currently reflects all the good practice suggested.</p>
<p>Gamble Aware – letter marked Respondee 6.</p>	<p>Email dated 03/10/18</p>		<p>Gamble Aware raise general and valid issues of concern and provide useful suggestions in their letter however it is believed that the Statement currently reflects all the good practice suggested. In addition, Gamble Aware indicate clear support for the research work</p>

			the Council intends to undertake ancillary to the policy document.
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**CROYDON
COUNCIL**

STATEMENT OF PRINCIPLES

**PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE
GAMBLING ACT 2005**

**IF YOU WOULD LIKE THIS STATEMENT IN LARGER PRINT,
PLEASE CONTACT THE LICENSING TEAM ON 020 8760 5466
OR AT licensing@croydon.gov.uk**

**London Borough of Croydon
STATEMENT OF PRINCIPLES
Gambling Act 2005**

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*This Statement of Principles was approved by the London Borough of Croydon on ** ** **.*

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published September 2015 and part updated September 2016.

PART A

1. The Licensing Objectives

In exercising their functions under the Gambling Act 2005 ('the Act'), licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act which the authority seeks to promote through this Statement of Principles. The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: 'The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling'.

The Council is aware that, as provided by Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

2. Introduction

The London Borough of Croydon covers an area of 86.5 square kilometres and has a population of approximately 382,000. The borough is mainly urban in character, being made up of a number of district retail and commercial centres each surrounded by residential accommodation. Croydon town centre is a well defined retail and commercial area with a large number of shops and offices.

The London Borough of Croydon ('the Council') is the Licensing Authority for the purposes of the Act and is required to publish a Statement of Principles ('the Statement') which it proposes to apply when exercising its licensing functions under the Act. The Council's original Statement was approved by the full Council on 27 November 2006. Statements last for a maximum of three years but can be reviewed and revised by the Council at any time. All such reviews and revisions of the Statement will be subject to consultation and subsequent re-publication. The Statement was last reviewed in 2015 and subsequently re published by the Council, in accordance with the legislation, on 7 December 2015. This is the fourth statutory review the Council has undertaken.

The Council consulted widely upon this Statement and in accordance with the Act's requirements before its' final approval. A list of the persons and bodies consulted is attached at Appendix 1 to this Statement and included:

- The police for this Licensing Authority's area
- Croydon Children's Safeguarding Board
- All other Responsible Authorities under the Act
- Public Health Croydon
- Representatives of organisations involved in gambling in the area
- All elected Croydon borough councillors, the GLA Assembly Member for Croydon & Sutton and the three borough MP's
- The Council's Access Officer
- Croydon BID
- The Council also engaged with residents, businesses and community & voluntary groups in the borough via a variety of communication means
- The adjoining London boroughs of Lambeth, Sutton, Merton and Bromley

Consultation took place between 25 September 2018 and 05 November 2018.

The full list of consultees, comments received and details of their consideration by the Council are available on request to: The Licensing Team, Place Department, London Borough of Croydon, 6th Floor, Zone A, Bernard Weatherill House, 8 Mint Walk, Croydon or via the Council's website at: www.croydon.gov.uk .

It should be noted that this Statement sets out the factors the Council may take into account when considering applications made under the Act, and matters it will consider when deciding to review a licence. However it 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 Act.

To assist the reader, a Glossary of Terms is attached at Appendix 2 to this Statement.

3. Declaration

In producing the Statement, the Council declares that it has had regard to the licensing objectives of the Act, the Guidance to Licensing Authorities ('the Guidance') issued by the Gambling Commission, and any comments received from those consulted on it.

4. Responsible Authorities

In exercising its discretion under Section 157(h) of the Act to designate a body which is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for 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.

With those principles in mind this Council designates the Croydon Children's Safeguarding Board as competent to advise it.

The contact details of all the Responsible Authorities under the Act are available via the Council's website at: www.croydon.gov.uk or by contacting the Council's licensing team on 020 8760 5466 or at licensing@croydon.gov.uk.

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. An interested party is defined in the Act as a person who in the opinion of the licensing authority which issues the licence or to whom the application is made:

- 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)

The Council will determine whether a person is an interested party with regard to particular premises on a case by case basis and will not apply a rigid rule to its decision making. In doing so it will have regard to the below mentioned factors drawn from paragraphs 8.12 and 8.15 of the Statutory Guidance.

The factors the Council will take into account in each case when determining what 'sufficiently close to the premises' means will include relevant factors such as:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (in relation to the number of customers, routes likely to be taken by those visiting the establishment); and
- the circumstances of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for the Council to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

The factors the Council may consider relevant when determining whether persons have business interests which may be affected include:

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

Interested parties can be persons who are democratically elected such as Councillors and MP's. Whilst the Members Code of Conduct adopted by the Council pursuant to the Localism Act 2011 may place restrictions on Councillors appearing at and addressing licensing committee hearings if they

have a disclosable pecuniary interest (DPI) or conflict of interest in relation to the matter under consideration, this does not prevent them from making written representations. Councillors should however ensure that the Monitoring Officer is made aware of any such interests and declare these at the meeting if these are not already on the Members' register of interests. Where the restrictions apply, it is recommended that councillors seek specific advice from the Council's Monitoring Officer in relation to their ability to make representations to or address the Committee if they have a DPI or potential or actual conflict of interest.

Further advice can be obtained with regard to applications and representations under the Act by contacting the Council's licensing team on 020 8760 5466 or at licensing@croydon.gov.uk. If an MP/councillor is asked to represent an interested person at a hearing, no specific evidence of being asked to represent that interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. Again, if there are any doubts then please contact the licensing team on 020 8760 5466 or at licensing@croydon.gov.uk.

6. Exchange of Information

When exercising its functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act, the Council will act in accordance with the provisions of the Act and ensure compliance with the provisions of the General Data Protection Regulations and the Data Protection Act 2018. The Council will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act and principles of better regulation.

The Guidance for local authorities refers to this matter and some relevant sections are:

- "Licensing authorities do not need to investigate the suitability of an applicant for a premises licence, including in relation to crime. The issue of suitability will already have been considered by the Commission, because any applicant (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued. However, if the licensing authority receives information during the course of considering a

premises licence application, or at any other time that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.” (5.10).

- “Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. However, if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.” (5.6).
- “If it comes to the attention of licensing authorities that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes, that makes it possible that the £2,000 in seven days is being exceeded, authorities should inform the Commission. To help clubs and institutes to comply with the full range of statutory requirements for gaming, the Commission has developed a statutory code of practice “the Code of Practice for gaming in clubs and premises with an alcohol licence.” (18.15).

7. Enforcement

When exercising its 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, the Council will be guided by the Guidance for local authorities and will also carry out its regulatory functions in accordance with good enforcement practice and will adhere to fundamental principles. Accordingly, enforcement shall be:

- Targeted
- Consistent
- Transparent
- Proportionate
- Necessary
- Also, so far as possible, the Council will endeavour to avoid duplication with other regulatory regimes and aim to adopt a risk based inspection programme.

The main enforcement and compliance role for this Council in terms of the Act will be to ensure compliance with premises licences and the other permissions which it authorises. The Gambling Commission will be the enforcement body for operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission.

With regard to betting offices, the Council 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.

This Council recognises that it is subject to and will comply with the Regulators' Code developed by the Better Regulation Delivery Office in relation to matters of gambling licensing and enforcement.

For the purposes of transparency, this Council's enforcement/compliance protocols/written agreements will be available upon request to the licensing department on 020 8760 5466 or at licensing@croydon.gov.uk. Our risk methodology will also be available upon request.

8. Licensing Authority functions

As required under the Act, this Council will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Alcohol Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

This Council will not be involved in licensing remote gambling, as this falls to the Gambling Commission via operating licences.

PART B PREMISES LICENCES

1. General Principles

Premises licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate. The Guidance makes clear that Licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

This Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

It is appreciated that as per the Guidance for local authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" In addition, whereas previous legislation required that the grant of certain gambling permissions should take account of whether there was unfulfilled demand for the facilities, this is no longer the case and each application must be considered on its merits without regard to demand.

Meaning of "premises" - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This Council takes particular note of the Guidance for local authorities, which at paragraphs 7.26, 7.32 & 7.33 states:

'Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware that 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. The plan of the premises should clearly denote entrances and exits.' (7.26).

'Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling in which by law they are not allowed to participate. Therefore 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.
- Entrances to and exits from parts of a building 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' (7.32).

'In determining whether two or more proposed premises are truly separate, the licensing authority should be aware of factors which could assist them in making their decision. Depending on all the circumstances of the case, these may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or 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?' (7.33)

The Council will consider these and all other relevant factors in making its decision, depending on all the circumstances of the particular case.

Gaming Machines in Gambling Premises

Attention is drawn to Social Responsibility Codes 9.1.1, 9.1.2 and 9.1.3 of the Licence Conditions and Codes of Practice document produced by the Gambling Commission, a copy of which can be found at <https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf> .

To assist, Code 9.1.1 states as follows –

**“Social responsibility code provision 9.1.1
Gaming machines in gambling premises – betting**

All non-remote general betting operating licences, except where betting is offered under a 2005 Act casino premises licence

1 Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.

2 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times.

3 Licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing betting facilities."

Location - The Council 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 be. As per the Guidance for local authorities, this 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.

Croydon is a very diverse borough, both culturally and socio economically and also has areas where levels of crime and disorder and anti social behaviour are more prevalent than in others.

The Gambling Commission's Licence Conditions and Codes of Practice (LCCP), which were revised and published in April 2018, formalise the need for operators to consider local risks.

In this regard, operators are specifically referred to the Social Responsibility (SR) code 10.1.1 which requires all premises licensees 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 undertaking their risk assessments, they must take into account relevant matters identified in the Council's Statement of Principles.

This Council expects all operators, especially when making new premises licence applications or, when applying to vary the terms of an existing premises licence, if there are significant changes in local circumstances and when there are significant changes at a licensee's premises that may affect their mitigation of local risks, to prepare robust and considered assessments of the local risks to the licensing objectives posed by the provision of gambling facilities at the application premises and address any factors that may have a negative impact on the licensing objectives. It is not possible to provide a complete list of factors to consider in relation to the risk assessment but the following are examples of the factors the Council would expect gambling operators to consider –

- The location of schools, sixth form colleges and youth centres in the local area of the licensed or application premises, with reference to the potential risk of under age gambling or the direct exposure to gambling by under age persons as a result and the mitigation measures the operator intends to introduce to reduce any such risks;

- The location of hostels or places offering support services for vulnerable people, such as those with addiction issues or who are homeless in the local area of the licensed or application premises. The Council expects operators to give very careful consideration to the suitability of locating new licensed premises close to such sensitive premises, or to varying the terms of existing licenses in such areas, given the greater risk of problem gambling amongst these groups and would expect to see clear and robust mitigation measures from the operator on how they would intend to reduce any such risks;
- Any reasonably available information about issues with problem gambling in the area of the licensed or application process. In assessing the negative impact premises may have on the licensing objectives, the Council will expect operators to include consideration of the existing density of licensed gambling premises and the status of the night time economy in the area local to their licensed or application premises. The Council will expect operators to particularly assess the risk of gambling being a source of crime, being associated with crime or being used to support crime in that area and to set out any mitigation measures they would intend to introduce to reduce any such risks.
- The Council will expect operators, perhaps in prior discussions with the Police, to assess patterns of crime, disorder and anti-social behaviour in the area local to the licensed or application premises, specifically that linked to gambling premises and set out the measures they believe will mitigate any risks of their premises having a negative impact on those crime etc. patterns.

While none of the above preclude any application being made and each application will be decided on its merits, it is expected that any application will demonstrate how potential risks/concerns can be overcome.

The Council will expect licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority, such as, for example, when there is an inspection of a premises. Ideally, a copy of the current local area risk assessments will be kept at the licensed premises.

Local Area Profiles

The Council is aware of the Gambling Commission recommendation that licensing authorities map and prepare their own assessments of local risks, in the form of local area profiles. Such profiles will be prepared and be available for operators to utilise when preparing their risk assessments through a specific request to the Council licensing team.

Undoubtedly, such local areas profiles will develop over time but at the outset, to assist operators, they will incorporate data on the matters listed above.

Duplication with other regulatory regimes - The Council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will, however, 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. Operators are also reminded of the 'Sui Generis Use Class' status of betting shops in the Planning context which came into being in 2016.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Guidance to local authorities:

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Therefore, where an area has known high levels of organised crime this authority will carefully consider the effect on the licensing objectives of gambling premises being located in this area and whether additional conditions may be appropriate. The Council is aware of the distinction between disorder and nuisance and in determining whether disorder may occur, will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - The Council has noted that licensing authorities would generally not be expected to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. However its role with regard to tracks is explained in more detail at paragraph 7.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - The Council notes that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will therefore consider, as suggested in the Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include:

- proof of age schemes
- supervision of entrances
- supervision of machine areas
- physical separation of areas
- appropriate notices/signage
- location of entry

The Council will make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to

specific premises. The Council is aware of the concerns set out by the Gambling Commission in their briefing paper entitled 'Gambling-related harm as a public health issue' dated February 2018 and of the advice to local authorities from the Local Government Association in their document entitled 'Tackling gambling related harm – A whole Council approach' dated July 2018.

The Council is also aware of the British Beer & Pub Association (BBPA) Code of Practice concerning the social use of gaming machines in pubs, clubs and amusement arcades to protect the interests of children and vulnerable people. The BBPA code requires that all gaming machines in pubs, clubs and arcades shall:

- display the GamCare helpline number
- have clear signage forbidding play by under 18's and
- be supervised to ensure that there is no underage play.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking 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 relation to this licensing objective, the Council will consider each application on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated.

Conditions – The starting point when considering an application is that it will be granted subject only to the mandatory and default conditions and additional conditions will only be imposed where there is evidence of a risk to the licensing objectives, such that there is a need to supplement the existing mandatory and default conditions.

Any additional 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.

Decisions upon additional conditions will be made on a case by case basis, although there will be a number of measures that the Council will consider utilising should there be a perceived need. There are specific comments made in this regard under some of the licence types below.

The Council may consider measures to meet the licensing objectives, such as:

- leaflets giving assistance to problem gambling to be clearly displayed in all areas of the premises
- self exclusion forms to be made available for customer use

- machines such as fixed odds betting terminals to clearly display odds
- ATM or cash terminals to be sited away from gaming machines
- Details of the GamCare helpline and website to be displayed prominently in premises

The Council will also consider specific measures which may be required for buildings which 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 Guidance.

The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

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

The Government has issued regulations that set out the categories of gaming machines, with the maximum stakes and prizes that apply, and these can be found via the following link:

http://www.legislation.gov.uk/ukxi/2007/2158/pdfs/ukxi_20072158_en.pdf

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

It is noted that there are conditions which the Council cannot attach to premises licences which are:

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

for casino and bingo clubs and this provision prevents it being reinstated);
and

- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors – this Council notes that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protecting children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. Whilst there is currently no apparent evidence that the operation of betting offices requires door supervisors for the protection of the public, this authority will consider making a door supervision requirement with regard to a betting office if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and/or that door supervision is both necessary and proportionate.

Where operators and the Council decide that supervision of entrances/machines is appropriate for particular cases, it will need to be decided whether these staff need to be Security Industry Authority (SIA) licensed or not. Furthermore, if a person carries out 'door supervisor' duties but is exempt from the requirement to be licensed by the SIA, the Council will expect that person to be trained to a nationally recognised standard and be able to show that they have undergone relevant and appropriate police records checks. Door supervision will not, however be seen in isolation as the only remedy for concerns and the Council will consider other options, if considered appropriate, to achieve the licensing objectives.

2. Adult Gaming Centres

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

The Council may consider measures to meet the licensing objectives, such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion 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.

3. (Licensed) Family Entertainment Centres

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

The Council may consider measures to meet the licensing objectives, such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

The Council will, as per the Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines, should be delineated. The Council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

The Council has not passed a 'no casino' resolution under Section 166 of the Act but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the full Council.

The Council is aware that, where its area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005), there are likely to be a number of operators which will want to run the casino. In such situations the Council will run a 'competition' under Schedule 9 of the Act and in line with any regulations / codes of practice issued under the Act.

Betting machines - The Council will, as per the Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

The Council notes that the Guidance states:

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 (18.5).

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 (18.7).

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 premise. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that 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 B346 (but not B3A) and B4 machines (18.8).

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 (18.9).

The Council will have regard to the Guidance on the issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises.

6. Betting premises

The Council may consider measures to meet the licensing objectives, such as:

- leaflets giving assistance to problem gambling to be clearly displayed in all areas of the premises
- self exclusion forms to be made available for customer use

- machines such as fixed odds betting terminals to clearly display odds
- ATM or cash terminals to be sited away from gaming machines
- details of the GamCare helpline and website to be displayed prominently in premises
- provide door supervision

Betting machines (bet receipt terminals) - The Council will, as per the Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no apparent evidence that such machines in betting offices give rise to regulatory concerns. This authority will, however, consider limiting the number of machines where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter and such other relevant factors.

With regard to door supervision, whilst there is no apparent evidence that the operation of betting offices requires door supervisors for the protection of the public, this authority will consider making a door supervision requirement if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and/or that door supervision is both necessary and proportionate.

With regard to applications to re-site betting office premises in the locality to provide improved facilities for customers, this authority will treat any such application on its individual merits but recognises that such applications may enhance the quality of the facility provided for the benefit of the betting public.

The Council will expect that sufficient facilities are available at individual licensed premises for the provision of betting and attention is drawn again to Social Responsibility Code 9.1.1., referenced at page 8 above.

In making this determination, this licensing authority will have regard to the following six indicators -

- The offer of established core products (including live event pictures and bet range)
- The provision of information on products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

Where two or more Betting shops are sited in a neighbourhood shopping area or town centre, the Licensing Authority strongly encourages the managers of each shop to meet with the Police and representatives of the other Responsible Authorities on at least a quarterly basis to discuss local crime and disorder problems and certain individuals that persistently cause crime and disorder in Gambling Premises.

7. Tracks

S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. The Act does not give a list of premises that are officially recognised as 'tracks' but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities and examples are provided within the Guidance.

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

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

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion 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.

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

8. Travelling Fairs

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

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

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

9. Provisional Statements

The Council notes the Guidance which states that "it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

Therefore, the Act allows an operator to apply for a provisional statement if a building is not yet complete, needs alteration or he/she does not yet have a right to occupy it. This would allow an operator to know whether a full premises licence would, in due course, be granted.

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 Council, as 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 objectors at the provisional licence stage; or
- (b) which in the Council's opinion, reflect a change in the operator's circumstances.

The Council notes that licensing authorities should not take into account irrelevant matters. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities however, it is for the Council 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, in that the request is:

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

In addition, consideration will be given as to whether the request for review is frivolous, vexatious, would not cause the Council to wish to alter/ evoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C
Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where premises do not hold a premises licence but wish to provide gaming machines, it may apply to the licensing authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Council may prepare a separate *statement of principles* that it would propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act. It is proposed that any statement regarding Unlicensed Family Entertainment Centre (FEC) permit applications be appended to this main statement of principles.

An application for a permit may be granted only if the Council is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. The Council may ask applicants to demonstrate:

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

It should be noted that the Council cannot attach conditions to this type of permit.

The Council has not currently adopted a Statement of Principles on Permits. Should it decide to do so it will be available from the Licensing Team. Potential applicants / other interested persons are advised to check with the Licensing Team as to whether a Statement of Principles on Permits has been adopted.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(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. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided

to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);

- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Council will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and "such matters as they think relevant."

The 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 being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Council 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 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. Each application for more than 2 gaming machines in licensed premises shall, therefore be dealt with on its merits.

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

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

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

The Act states that a licensing authority may prepare a *statement of principles* that they propose to apply in exercising their functions under this Schedule which may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit. It is proposed that any statement regarding Prize Gaming Permit applications be appended to this main statement of principles.

The Council may require applicants to set out the types of gaming that he or she is intending to offer and furthermore that the applicant 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.

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.

Though there are conditions in the Act with which the permit holder must comply the licensing authority cannot attach its own conditions. The conditions in the Act are:

- limits on participation fees, as set out in regulations;
- 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. Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

The Council may only refuse an application on the grounds that:

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

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under this procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. However an application under the process may be refused due to the fact that:

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

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

Additional information about Club Gaming and Club Machine Permits can be obtained from the Council's Licensing team prior to applying by contacting: licensing@croydon.gov.uk .

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

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.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 (SI. No. 3157) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner.

The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

The Council may 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."

6. Occasional Use Notices

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

7. Small Society Lotteries

This 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 exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority on 020 8760 5466 to seek further advice.

NOTE:

Information regarding this Statement of Principles and the Act in general can be obtained from:

The Licensing Team, Place Department, London Borough of Croydon, Bernard Weatherill House 8 Mint Walk, Croydon, CR0 1EA.

E-mail: licensing@croydon.gov.uk or telephone 020 8760 5466.

Information about the Act can also be obtained from the Gambling Commission website at www.gamblingcommission.gov.uk or the Department of Culture, Media and Sport website at www.culture.gov.uk

Gambling Act 2005 - Statement of Principles

Glossary of Terms

1. The Licensing Objectives under the Gambling Act 2005 –

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives set out in section 1 of the Act. In particular, licensing authorities must have regard to the licensing objectives when exercising their functions in relation to premises licences, temporary use notices and some permits. The objectives are:

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

2. Responsible Authorities –

Public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications.

3. Interested Parties –

An interested party may make representations on an application. Someone who the licensing authority considers lives sufficiently close to the premises to be likely to be affected by the authorised activities, has business interests that might be affected by the authorised activities or represents persons in either of these groups would be classed as an interested party. Democratically elected people like Ward councillors and MP's can also be interested parties.

4. Enforcement –

Enforcement is carried out by authorised officers of the licensing authority and responsible authorities to ensure compliance with legislation.

5. Adult Gaming Centre –

An amusement arcade to which only persons over the age of 18 years may be admitted. These premises are allowed certain higher categories of gaming machine.

6. Licensing Family Entertainment Centre –

An amusement arcade to which persons under 18 years of age may be permitted. These premises are allowed one higher category of gaming machine but under 18's must not be permitted to use these.

7. Unlicensed Family Entertainment Centre –

An amusement arcade that is only allowed the lowest category of machine and persons under 18 years of age are allowed access.

8. Bingo Premises –

Premises permitted to offer games of bingo and certain categories of gaming machine.

9. Betting Shop –

Premises permitted to offer the placing of bets and certain categories of gaming machine.

10. Betting Track –

A horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place.

11. Casino –

A casino permits the participating in of one or more casino games, which means games of chance. A casino is also allowed to offer certain higher categories of gaming machine.

12. Provisional Statement –

A person may apply for a provisional statement for a premises that he or she:

- Expects to be constructed
- Expects to be altered
- Expects to acquire a right to occupy

13. Review –

A responsible authority or interested party may seek a review of a premises licence if, for example, they feel that one or more of the licensing objectives is being compromised by that licence.