

**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

Contents

Item	Page
Part A	
1. The licensing objectives	1
2. Introduction	1
3. Declaration	2
4. Responsible Authorities	2
5. Interested parties	3
6. Exchange of information	4
7. Enforcement	5
8. Licensing authority functions	6
Part B - Premises licences	
1. General Principles	7
2. Adult Gaming Centres	16
3. (Licensed) Family Entertainment Centres	17
4. Casinos	17
5. Bingo premises	18
6. Betting premises	19
7. Tracks	20
8. Travelling fairs	23
9. Provisional Statements	23
10. Reviews	24
Part C - Permits / Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre gaming machine permits	25
2. (Alcohol) Licensed premises gaming machine permits	25
3. Prize Gaming Permits	26
4. Club Gaming and Club Machines Permits	27
5. Temporary Use Notices	28
6. Occasional Use Notices	29
7. Small Society Lotteries	29

*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, last updated 13 May 2021

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 of the National Strategy to Reduce Gambling Harms and the importance of close working between teams to deliver important results in promoting the third licensing objective of 'protecting children and other vulnerable persons from being harmed or exploited by gambling'. A database of national, regional and local initiatives can be found on the Commission website.

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 388,500. 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 2018 and subsequently re published by the Council, in accordance with the legislation. This is the fifth 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 Partnership
- All other Responsible Authorities under the Act
- Public Health Croydon
- GamCare
- 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 29 September 2021 and 10 November 2021.

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. In addition, at Appendix I in their statutory guidance, the Gambling Commission provide a glossary of terms.

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 Partnership (CSCP) 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 such as the number of customers, routes likely to be taken by those visiting the establishment
- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises. (8.12)

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, that is, how far people travel to visit the premises
- whether the person making the representation has business interests in that catchment area that might be affected. (8.15)

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), other interest as defined by the Code 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, "other" interest as defined by the Code 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.” (18.16).

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" – the following paragraphs are taken from the statutory guidance produced by the Gambling Commission -

'In the Act, 'premises' is defined as including 'any place'. S.152 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not 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 reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks, or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed. (7.5)

In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely

to be a matter for discussion between the operator and the licensing authority.
(7.6)

The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit. (7.7)

The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence – with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises. (7.8)

The Act sets out that the type and number of higher stake gaming machines allowable in premises is restricted according to the type of premises licence or permit granted. For example, a converted casino licence allows for 20 gaming machines in categories B, C or D. With the exception of AGCs and FECs, premises are not permitted to be used exclusively for making gaming machines available, but rather to provide the gaming facilities corresponding to the premises licence type. Further detail on gaming machines is set out in Part 16 of this guidance. (7.9)

The Act states that an application must be made to a licensing authority in whose area the premises are wholly or partly situated. In circumstances where the premises lie in more than one licensing authority's area, the operator should make their application to just one of those authorities. As both licensing authorities are responsible authorities under s.157 of the Act, the other licensing authority must be notified of the application and is entitled to make representations. As a responsible authority, it has an opportunity to pass relevant information about the premises to the licensing authority determining the application. Further detail on responsible authorities is set out at Part 8 of this guidance. (7.10)

Casino premises are subject to separate regulations, involving a two-stage application process. Details of the two stage process can be found in Part 17 of this guidance.' (7.11)

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

'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/licensees-and-businesses/lccp/2/9>

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.”

The meaning of ‘available for use’ is discussed further in paragraphs 16.16 to 16.26 of the statutory guidance published by the Gambling Commission (13 May 2021 version) and some key components are as follows, with the specific wording taken direct from the statutory guidance –

‘that a gaming machine is ‘available for use’ if a person can take steps to play it without the assistance of the operator’ (16.17)

‘More than the permitted number of machines may be physically located on a premises but the onus is on licensees to demonstrate that no more than the permitted number are ‘available for use’ at any one time’ (16.18)

‘Gaming machine entitlements in AGC or bingo premises set out that only 20% of machines can be category B machines in order to ensure a balanced offering of gambling products and restrict harder gambling opportunities.’ (16.21)

‘We updated our ‘available for use’ guidance in 2019 to make it clear that for the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance.’ (16.23)

We have published our ‘available for use’ guidance on the Commission website, and provided additional information specifically in relation to when is a gaming machine ‘available for use’ in AGC or bingo premises under the 20% regulations. (16.26)

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), formalise the need for operators to consider local risks. The current version, effective from 31 October 2020, is available on the Gambling Commission’s website.

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 licensing policy (Statement of Principles).

This Council expects all operators 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. In addition, the Council expects all operators to review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this statement of licensing policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

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 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 or hear 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 and is aware of the content of the following paragraphs in the statutory guidance –

The Gambling Act 2005 permits the advertising of gambling in all forms, provided that it is legal and there are adequate protections in place to prevent such advertisements undermining the licensing objectives. The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising. It enforces the UK Advertising Codes (the Codes), written by the Committees of Advertising Practice. The Codes cover the content and placement of advertising and are designed to ensure that advertisements for gambling products are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited. The Codes also require that advertisements for gambling products or services do not mislead. Any complaint about the content and placement of advertising or marketing communications should be sent directly to the ASA. (1.19)

The LCCP requires licensees to ensure that their policies and procedures for preventing underage gambling take account of the structure and layout of their gambling premises. This therefore requires licensees not only to be able to supervise their premises but also that they should mitigate the risks of under 18s being attracted to enter premises by the products available within them. Where a licensing authority has concerns that such products are visible, they could for example require the licensee to re-site the products out of view. (7.29)

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. In addition, 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, of the advice to local authorities from the Local Government Association in their document entitled 'Tackling gambling related harm – A whole Council approach', last updated in November 2018 and of the National Strategy to Reduce Gambling Harms, which was most recently updated on 8 December 2020.

The Council is also aware of the Social Responsibility Charter for Gaming Machines in Pubs, produced by the British Beer & Pub Association (BBPA) and UK Hospitality, which *'sets out a Code of Practice with regards to gaming machines in pubs, and in particular the steps to take to tackle and prevent under-age players of these machines.'*

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.

A summary of machine provisions by premises is provided in Appendix A and a summary of gaming machine categories and entitlements in Appendix B of the Statutory Guidance published by the Gambling Commission.

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. There cannot be more than one premises licence covering the same 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.

The Council also notes that paragraph 21.4 in the statutory guidance issued by the Gambling Commission states –

Social Responsibility Code Provision 3.5.6 requires that all non-remote casino and bingo and betting licences (except those at a track) and holders of

gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility. There is also an Ordinary Code provision at 3.5.7. The full details can be found within the LCCP (Licence Conditions and Codes of Practice).

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.

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) (of the Act), as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. 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 B3 (SI 2007/2158: Categories of Gaming Machine Regulations 2007) (but not B3A) and B4 machines. Licensing authorities should ensure that gambling machines are made available for use in a manner consistent with our guidance within Part 16. For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. This includes tablets. (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 notes the following paragraphs from statutory guidance –

Children and young persons are not permitted to enter premises with a betting premises licence, although exemptions apply to tracks, as explained in Part 20 of the Gambling Commission guidance, and s.46 and s.47 of the Act set out offences of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. Social Responsibility (SR) code 3.2.7(3) in the Licence Conditions and Codes of Practice (LCCP) 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. Children and young persons are not allowed to be employed at premises with a betting premises licence. (19.4)

S.172(8) (of the Act) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines (the terminals commonly in use are able to provide both B2 and B3 content). (19.5)

Self-service betting terminals (SSBT's) –

S.235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine. (19.7)

S.181 contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the licensing authority, amongst other things, should take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people. (19.10)

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
- if available, QR (Quick Response) Codes for accessing the above information/forms
- 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

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 9 above.

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 following paragraphs from the statutory guidance, issues by the Gambling Commission provide further information about tracks –

The on-course betting operator is one who comes onto the track, temporarily, while races or sporting events are taking place. On-course betting operators tend to offer betting only on the events taking place on the track, that day. For example, betting operators attending horserace and greyhound racing meetings will only attend on race days. Similarly, betting operators at cricket and football grounds are only likely to attend on days when matches are taking place. (20.17)

Betting on tracks is organised in different ways and can take place in different parts of the track in many different forms. These include the following:

- **'Betting rings'** The ring can be dispersed throughout the track, and can include 'temporary' rings at large meetings, but all different locations form part of the betting area. On-course betting operators will be located in the betting ring according to a position (pitch) allocated to

them under the commercial arrangement they have with the track owner.

- **Betting counters or kiosks** A betting counter or booth may be a permanent or temporary outlet from which a bookmaker provides betting facilities. Examples include manned stands or porta-cabins located at football grounds on match days, and the temporary kiosks used by bookmakers at cricket grounds during test matches.
- **Mobile betting** Mobile betting machines (often handheld) operated by employees of betting operators allow customers to place a bet or receive payouts away from betting kiosks or the betting ring, most commonly in hospitality areas.
- **Self-service betting terminals (SSBTs)** SSBT, described in paragraph 19.6, lack the direct human intervention of a betting counter staffed by a cashier, and can be located at different parts of tracks. See below more details on SSBTs at tracks.
- **Pool betting** This involves the pooling of stakes on a given event, and the splitting of the total pool, less a commission for the operator amongst the winners. Pool betting at horseracing and greyhound tracks can be offered under a pool betting operating licence – be that the owner of the track or a third party provider. Tracks may also conduct inter-track pool betting when other tracks are holding races. (20.18)

Off-course betting

Off-course betting operators are typically those who provide betting facilities from betting premises such as those found on the high street. In addition to such premises, betting operators may operate self-contained betting premises or designated areas such as a row of betting kiosks within the track premises. These premises provide facilities for off-course betting (in effect, the opportunity to bet on other events not just those taking place on the track), although they normally operate only on race days. (20.19)

The provision of off-course betting facilities as described above is generally conducted in reliance on the track premises licence held by the occupier of the track and consequently the off-course operator is prohibited from making any gaming machines available for use unless they hold a separate betting premises licence in relation to part of the track. The track premises licence holder will need to vary their existing premises licence so that it does not have effect in relation to the area where the additional betting premises licence is located. The additional betting premises licence would need to be secured by the holder of an appropriate betting operating licence. Such a premises would then be subject to the conditions outlined in Part 19 (of the guidance). (20.20)

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.

The following paragraphs from the statutory guidance are in relation to self-service betting terminals (SSBTs) –

S.235(2)(c) of the Act provides that a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to bet on future real events. Betting operators may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet with a member of staff. These self-service betting terminals are not gaming machines; they merely automate the process that can be conducted in person and therefore are not regulated as gaming machines. (20.39)

Licensed operators may install SSBTs on tracks. There is no restriction on the number of SSBTs that may be in use but operators must, by virtue of their

operating licence conditions, supervise such terminals to prevent them being used by those under 18 years of age. (20.40)

There is no formal requirement on track premises licence holders to involve themselves in the procedures used by betting operators to supervise their SSBTs (unless specific local conditions specifying supervisory arrangements are added to the track premises licence by the licensing authority). Some betting operators may agree supervisory assistance to be provided by employees of the track premises licence holders, but this is a commercial matter between the track owner and betting operators. (20.41)

While track premises licence holders have no formal responsibilities in this regard, the Commission has advised them to inform it of instances where they are aware that betting operators are persistently failing to ensure the adequate supervision of their SSBTs. (20.42)

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 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.

The Council notes however that the Guidance states that "requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

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 in determining matters licensing authorities should not take into consideration matters that are not related to gambling and the licensing objectives. One example of such a 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.

As licensing authorities are required to permit the use of premises for gambling, in so far as it is in accordance with the s.153 principles, applications that raise general objections to gambling as an activity, that relate to demand for gambling premises, or raise issues relating to planning, public safety, and traffic congestion are unlikely to be considered an appropriate basis for review, leading to rejection under the bullet points above.

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/revoke/suspend the licence or to remove, amend or attach conditions on the premises 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. In doing so, the Council will be mindful of the fact that licensing authority actions, including reviews, should be in pursuit of the principles set out in s.153 of the Act or underpinned by reasonable concerns, such as changes to the local environment or resident complaints.

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 and where available, QR (Quick Response) Codes 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