

Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

SUPPLEMENTARY AGENDA

4. **Gambling Act 2005 Licensing Statement of Principles - 2015 Revision**

(Pages)

Appendix

(1 - 42)

The next meeting is due to take place on Wednesday, 20 January 2016

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SOUTH BUCKS DISTRICT COUNCIL
 ADOPTED BY FULL COUNCIL ON 12TH DECEMBER 2006
STATEMENT OF GAMBLING PRINCIPLES
GAMBLING ACT 2005
 1ST REVIEW - 15TH DECEMBER 2009.
 2ND REVIEW - 30TH OCTOBER 2012
 3RD ~~REVIEW - 10TH November 2015~~
 TO HAVE EFFECT 31 JANUARY 201~~6~~³ TO 30 JANUARY 201~~6~~⁹.

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Part A

1. Introduction

South Bucks District Council is situated in the County of Buckinghamshire, which contains 4 District Councils and Buckinghamshire County Council. The district has a population of 66,900 (2011 Census). It is relatively small at 141km², and lies within the Metropolitan Green Belt, with 87% of land designated as green belt. It is the smallest district in Buckinghamshire in terms of size and population. Although the Council area is principally rural it includes the towns of Beaconsfield, Gerrards Cross, Burnham, Iver and Denham. The main shops are located in the centres of Beaconsfield and Gerrards Cross. Proximity to Greater London and other major towns, and the presence of the M4, M25 and M40 motorways, all of which pass through the District, and its rail links coupled with the attractive countryside make it ideal as a place in which to live. ~~A map of the District is at Appendix A.~~

Map of Area



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Licensing authorities are required by Section 349 the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

South Bucks District Council consulted widely upon this Statement before it was finalised and published. **A full list of those persons/bodies consulted is provided at Appendix AB.**

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

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

Our consultation took place for 12 weeks between ~~Thursday 28 June and Wednesday 19 September 2012.~~

Comment [NM1]: Dates to be added

The full list of comments made and the consideration by the Council of those comments is available on request to: The Licensing Team, Council Offices, ~~Capswood, Oxford Road, Denham UB9 4LH - 01895 837222~~ King George V Road, Amersham HP6 5AW - 01494 732063.

The Statement was approved at a meeting of the Full Council on ~~30 October 2012~~ and was published via our website on ~~30 November 2012~~ and shall take effect on 31 January 2013. Copies were placed in the public libraries of the area as well as being available at the Council Offices.

Comment [NM2]: Dates to be added

Should you have any comments as regards this Statement please send them via e-mail or letter to the following contact:

Name: The Licensing Team

Address: Council Offices, King George V Road, Amersham HP6 5AW -Capswood, Oxford Road, Denham UB94LH

E-mail: licensing@southbucks.gov.uk Tel: 01494 732063 01895-837222

The Council reserves the right to amend this Statement should it be necessary to do so following Regulations issued by the Secretary of State or further Guidance from the Gambling Commission.

2. Summary and Declaration

This Statement of Principles sets out the Councils general approach as Licensing

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Authority to the exercise of its functions under the Gambling Act 2005. The Council will seek to regulate Gambling in the public interest. In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission from time to time and the 3 licensing objectives. The Council in undertaking its licensing functions will have due regard to the need to eliminate unlawful discrimination and will seek to promote equality and good relations between all persons having particular regard to their human rights.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Demand and need are not considerations the Local Authority will take into account in relation to applications submitted to it for determination however the location of the premises, its size and layout can be relevant considerations to be taken into account on a case by case basis.

Declaration

In producing this Statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement

3. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. 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

Section 153 requires that the Licensing Authority, in making decisions about premises licences and temporary use notices, should aim to permit the use of premises for gambling in so far as it thinks it:

- 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

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- in accordance with the authority's statement of licensing policy

The Licensing Authority recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of the Local Authority, the Police, local business, local people and those involved in child protection.

4. Licensing Authority Functions

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

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

A "gaming machine" can cover all types of gambling activity which can take place on a machine, including betting on 'virtual' events.

The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be a gaming machine.

Licensing Authorities are required under the Gambling Act 2005 to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits

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- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section below on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

There are a range of statutory application forms and notices that licensing authorities are required to use. The forms can be downloaded from the Department for Culture, Media and Sport website (www.culture.gov.uk).

Certain activities are however exempt and these require no licence or permit i.e. incidental non-commercial lotteries - those run as an additional amusement at non commercial events with tickets sold on the premises and only during the event - such as a raffle at a dance or a church fete and promoted for a purposes other than private gain.

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences - the Gambling Commission will also be responsible for Personal Licences. The National Lottery is regulated by the National Lottery Commission which is part of the Gambling Commission. ~~The National Lottery Commission has been collocated with the Gambling Commission since January 2012 and the Public Bodies Bill includes legislation to merge the two commissions.~~

The Council's licensing functions under the Act will be carried out by the Licensing Committee, the Licensing sub-committee and/or by officers acting under the delegated authority of the Licensing Committee - see Appendix D.

Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

Where there are relevant representations in respect of an application the matter will be determined by the Licensing Sub-Committee, as will any application for the review of a licence.

The Council will, where appropriate, seek to encourage permit and premises licence holders to adopt any codes of practice which may be introduced by the

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amusement industry from time to time.

5. Responsible Authorities

Section 157 of the Act defines those authorities as:

- The Gambling Commission
- The Police
- The Fire Service
- The local planning authority
- Environmental health
- Local Safeguarding Children Board (LSCB)
- HM revenue and Customs
- A licensing authority in whose area the premises is situated

This **A**uthority designates the Local Safeguarding Children Board as the body which it considers competent to advise about the protection of children from harm.

The principles applied in this designation were

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The contact details of all the Responsible Authorities under the Gambling Act 2005 is provided at Appendix **B**. Contact details of Responsible Authorities are also provided on the Council's website at: www.southbucks.gov.uk

6. Interested Parties

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

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

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

In deciding whether or not a person is an interested party, each case will be decided upon its merits. This **A**uthority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities, the size of the premises, the nature of the premises and the activities taking place i.e. larger premises may be

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considered to affect people over a broader geographical area compared to smaller premises offering similar facilities, the distance of the premises from the person making the representation - amongst other matters on a case by case basis - therefore this list is not exhaustive.

Business Interests will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / 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 Sub-Committee dealing with the licence application.

South Bucks District Council will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively on a case by case basis and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be given a written reason.

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

7. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will

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form part of a public document. Anyone making representations or applying for the review of a Premises Licence will be informed that their details will be disclosed in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter as updated from time to time, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005 and guidance from LACORS.

Should any protocols be established as regards information exchange with other bodies then they will be considered and if applied, copies will be made available.

8. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority is a signatory to the Enforcement Concordat and the Regulators' Compliance Code and will follow the principles set out in these documents with a view to adopting a consistent, transparent and proportional approach.

The Enforcement Concordat proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain records, may be dealt with by way of written warning. More serious offences may result in a referral to the Licensing Committee, the issue of a Formal Caution or a referral for prosecution.

The Regulators' Compliance Code supports the Government's better regulation agenda and intends to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the district for unlicensed premises.

The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with the Thames Valley Police, Buckinghamshire Trading Standards and Buckinghamshire Fire and Rescue on enforcement issues to ensure an efficient deployment of police and council officers.

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Licence/Permit holders will be encouraged to give the Licensing Authority the name of the person responsible for the premises to be contacted in the first instance in relation to compliance issues/queries.

Any enforcement action will endeavour to be:

- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Licensing Authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

This Licensing Authority also keeps itself informed of developments as regards best practice in its consideration of the regulatory functions of local authorities.

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the ~~Licensing authority~~ Authority but will be notified to the Gambling Commission.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department (Council Offices, Capswood, Oxford Road, Denham, UB9 4LH, telephone 01895-837222, e-mail licensing@southbucks.gov.uk). Our risk methodology will also be available upon request when adopted/completed.

Part B - Premises Licences: consideration of applications

1. General Principles

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In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission from time to time and the 3 licensing objectives.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Council will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect. Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits.

2. Premises Licence

A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting tracks and premises used by betting intermediaries
- adult gaming centre premises (for category B3, B4, C and D machines)
- family entertainment centre premises (for Category C and/or D machines)

The type of licence will dictate the type of gambling and the category of gaming machine that is allowed therein.

Other than an application for a betting premises licence in respect of a track (where the occupier of the track who gets the premises licence may not be the person who actually offers the gambling), the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

The Act provides that licensing authorities may attached conditions to premises licences and Gambling Commission guidance suggest what conditions might be considered appropriate in relation to each type of licence.

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The Council will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

Decision-making

This Licensing Authority 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:

- 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.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of "premises" - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the ~~fourth~~^{third} edition ([para 7.14](#)) of its Guidance to Licensing Authorities that: "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 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 officer. However, 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."

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building

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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. 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.

The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- 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?

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

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

7.25:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

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- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café - the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this Authority will also take into account in its decision-making.

Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

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In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying a two stage consideration process:-

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

Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

Location - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing 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. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.59 - In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This Authority will not take into account irrelevant matters as per the above guidance. In addition this Authority notes the following excerpt from the Guidance:

7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence

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does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other regulatory regimes - This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime and disorder

The Gambling Commission will play a leading role in preventing gambling from being a source of crime and disorder and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the Council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant but where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors.

As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers.

Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance, and it can be

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shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

When making decisions in this regard the Council will give due weight to any comments made by the police.

Ensuring gambling is conducted in a fair and open way

The Gambling Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.

Because betting track operators do not need an operating licence from the Commission the Council may, in certain circumstances impose conditions on the licence relating to the suitability of the environment in which betting takes place.

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

The Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling or being in close proximity to gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

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." This statement will be applied to vulnerable persons on this basis or by way of any statutory definition in the future - as may then be amended from time to time. The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

Conditions

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Mandatory conditions will be imposed - otherwise the local authority has a discretion regarding default conditions and imposing other specific conditions. The local authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives and will be considered unnecessary if they are already adequately covered by other legislation.

Any conditions attached to licences by the local authority will be proportionate to the circumstances they are intended to address. The Council will endeavour to ensure they are

- 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 individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, age limits, posters re Gamcare contacts and Helpline information, opening hours, etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

Conditions imposed by the Council may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence. Duplication with other statutory or regulatory regimes will be avoided so far as possible.

The Council will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

This Licensing Authority 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 Gambling Commission's Guidance.

This Authority 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

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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.
- age verification schemes are implemented.

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

It is noted that there are conditions, which the Licensing Authority 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

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

It is noted though that the door supervisors at casinos or bingo premises are not licensed by the Security Industry Authority (SIA). This Licensing Authority however reserves the right to attach a condition(s) to a licence when requesting door supervisors to be employed requiring that they are licensed by the SIA and are adequately vetted. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

3. Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect

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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

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

4. (Licensed) Family Entertainment Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, 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 and may request plans of the premises to be submitted.

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

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

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measures.

This Licensing Authority will, as per the Gambling Commission's 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. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

5. Casinos

No Casinos resolution - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 as it is not currently anticipated there will be any casinos in this area hence a no casino resolution is not considered necessary at this time - the Local Authority is however aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision will be made by the Full Council.

In determining any application for a Casino regard will be had to relevant regulations and guidance issued from time to time under the Act.

6. Bingo premises

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

Commercial bingo halls will require a bingo premises licence from the Council.

Amusement arcades providing prize bingo will require a prize gaming permit from the Council

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

A limited number of gaming machines may also be made available at bingo licensed premises.

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

This Licensing Authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played

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in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This Authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

This Authority will consider any further guidance issued by the Gambling Commission from time to time in relation to Bingo in particular but not limited to matters relating to the suitability and layout of premises.

7. Betting premises - including tracks

Anyone wishing to operate a betting office will require a betting premises licence from the Council - although betting is permitted under a Casino Premises Licence without a separate betting premises licence - and special rules apply in relation to tracks. Children and young persons under 18 will not be able to enter premises with a betting premises licence.

Betting premises will be able to provide a limited number of gaming machines and some betting machines.

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

Each application will be considered on its own individual merits.

Applicants will however be encouraged to locate/relocate machines to enhance the quality of the facility provided.

Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'.

Tracks

A track is a site where races or other sporting events take place.

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

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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 **L**icensing **A**uthority 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 **L**icensing **A**uthority 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 **L**icensing **A**uthority will, as per Part 6 of 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.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the **L**icensing **A**uthority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the **L**icensing **A**uthority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by

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regulations. (See Guidance to Licensing Authorities, para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

(See Guidance to Licensing Authorities, para 20.32).

This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

8. Lotteries

All “lotteries” are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an ‘exempt’ lottery as defined by the Act.

One of those exemptions is in respect of what are termed “small societies lotteries” and the Council is responsible for registering these ‘small’ lotteries.

A society will be allowed to register with the Council if it is a ‘non-commercial’ lottery, in other words, it is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain.

The Council will maintain a public register of small societies lotteries which it has registered.

9. Travelling Fairs

It will fall to this Licensing Authority to decide whether, where category D

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machines and / or equal chance prize gaming without a permit are 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 - see Sections 286 and 287 of the Act although “Ancillary Amusement” is not defined in the Act.

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

The 27-day statutory maximum for the land being used as a fair, is per calendar year, and 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. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

10. Provisional Statements

Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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

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- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

11. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous and/or vexatious, or whether it is substantially the same as previous representations or requests for review.

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

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

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-

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- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs
-

Part C - Permits / Temporary and Occasional Use Notices

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

Where a premises does not hold a premises licence - or an Alcohol Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238). No operating Licence is required.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit 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. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

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Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications 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. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles

South Bucks District Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff i.e. how to deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); that relevant insurance is in place and that staff are trained to have a full understanding of the maximum stakes and prizes.

Matters raised by the Police will also be a determining factor in the Councils decision as will the suitability of the premises re location, history of disorder, etc.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic Entitlement: 2 Machines

There is provision in the Act for alcohol licence holders to automatically make available for use in alcohol licensed premises 2 gaming machines, of categories C and/or D. This entitlement relates only to premises that are licensed for consumption of alcohol on the premises, there is no entitlement in premises licensed only for consumption off the premises. This entitlement does not require an authorisation as licensing authorities have no discretion regarding this matter. The premises merely need to notify the Licensing Authority, pay the prescribed fee and comply with any Gambling Commission Code of Practice. 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

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- the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. such that written notice has not been provided to the **L**icensing **A**uthority, that a fee has not been paid and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the **L**icensing **A**uthority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

This **L**icensing **A**uthority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the **A**uthority 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 **A**uthority that there will be no access to for under 18’s 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 and Gamblers Anonymous.

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.

It should be noted that the **L**icensing **A**uthority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. This **A**uthority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. 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.

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

A Prize Gaming Permit is a permit issued by the Local Authority to authorize the

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provision of facilities for gaming with prizes on specific premises. Certain premises can offer prize gaming without a Prize Gaming Permit i.e. Bingo Premises.

The Gambling Act 2005 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 propose to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and 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 being 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 - and the police must be consulted. Relevant considerations for the Local Authority include the suitability of the applicant i.e. relevant convictions; location of the premises and issues of disorder.

It should be noted that there are conditions in the Gambling Act 2005 to which the permit holder must comply, but that the Licensing Authority cannot attach its own further conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide up to three gaming machines (from specified categories), equal chance gaming and games of chance as set-out in regulations. A Club Gaming machine permit will enable the premises to provide up to three gaming machines (from specified categories), but not equal chance gaming or games of chance. Commercial Clubs are not permitted to provide non-machine gaming, but can apply for a club machines permit permitting up to three machines. The

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machines permitted in Commercial Clubs differ from those permitted in Members Clubs and Miners' welfare institutes.

When considering whether to grant a club gaming permit or club machine permit (and monitoring those that have been issued) the Council will have regard to guidance issued by the Gambling Commission regarding the factors that ought to be considered in making such determinations.

The Commission Guidance notes that "licensing authorities 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; (If (a) or (b) apply then the local authority must refuse the permit)
- (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".

If c), d) or e) apply, then the local authority can refuse but will first have regard to relevant guidance and the licensing objectives.

Fast Track Procedure - 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). The Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." "The grounds on which an application under the process may be refused are:

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

There are mandatory conditions on club gaming/machine permits including 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 - no other conditions can be imposed.

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

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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 **L**icensing **A**uthority 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 at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. 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.

This **L**icensing **A**uthority expects to 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, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices

The **L**icensing **A**uthority 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. These are only available for betting at tracks - see section 39 of the Act. This **L**icensing **A**uthority will however consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

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Appendix A – Map of area



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Appendix AB - List of consultees.

Responsible authorities:

- The Gambling Commission
- The Chief Officer of Police
- The Fire Authority
- The Environmental Health Authority
- The Local Planning Authority
- Local Safeguarding Children Board
- H.M. Revenue and Customs

Other Local Authorities:

- Aylesbury Vale District Council
- Buckinghamshire County Council
- Chiltern District Council
- Milton Keynes District Council
- Wycombe District Council

Elected members of South Bucks District Council

Town and Parish Councils within the South Bucks District Council area

Persons who appear to represent the interests of gambling businesses:

- Association of British Bookmakers
- Bingo Association
- British Amusement Catering Trade Association
- British Beer and Pub Association
- Business in Sport and Leisure
- Casino Operators Association
- Enterprise Inns
- Federation of Licensed Victuallers
- Gala Coral Group
- Greyhound Board of Great Britain
- Ladbrokes
- National Pubwatch
- Point Bingo
- Premises licence holders within South Bucks District Council area
- Rank Group
- Solicitors/legal practices regularly representing gambling operators
- William Hill
- Working Men's Club and Institute Union

Persons who appear to represent the interests of those likely to be affected by the authority's exercise of functions under this Act (faith groups, voluntary and community organisations working with young people, organisations working with people who are problem gamblers, medical practices and advocacy organisations)

- Age Concern

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British Blind Sport
Citizens Advice Bureau
Churches within the South Bucks District Council area
Gamcare
Gerrards Cross Community Association
GPs within the South Bucks District Council area
Leisure Link Limited
Mencap
Schools within the South Bucks District Council area

Note: - This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Copies of the draft Gambling Statement of Principles were also placed in the public libraries of the South Bucks District Council area as well as being available at the Council Offices and on the Council's website.

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BC. Contact details of all Responsible Authorities

The Gambling Commission

4th Floor Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel No: 0121 230 6666

E-mail: contactcentre@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

The Chief Officer of Police

Licensing
Thames Valley Police
Headquarters (South)
Kidlington
Oxfordshire
OX5 2NX

E-mail: licensing@thamesvalley.pnn.police.uk

Telephone: 01865 846597

The Fire Authority

Protection Manager
Buckinghamshire Fire and Rescue Service
Marlow Fire Station
Parkway
Marlow
Bucks,
SL7 1RA

E-mail: FSMAR@bucksfire.gov.uk

Telephone: 01628 470644

The Environmental Health Authority

Environment Manager
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham
UB9 4LH

E-mail: environment@southbucks.gov.uk

Telephone: 01895 837333

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The Local Planning Authority

Development Management
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham
UB9 4LH

E-mail: planning@southbucks.gov.uk
Telephone: 01895 837342/01895 837210

Local Safeguarding Children Board

Buckinghamshire Safeguarding Children Board
4th Floor
County Hall
Walton Street
Aylesbury
HP20 1UZ

H.M. Revenue and Customs

National Regulation Unit
Betting & Gaming Section
Portculis House
21 India Street
Glasgow
G2 4PH

E-mail: NRUbetting&gaming@HMRC.GSI.gov.uk

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Appendix CD. Delegations

The table below sets out the agreed delegation of decisions and functions of the Licensing Committee, sub-committees and officers. The various delegations include delegation to impose appropriate conditions.

This scheme of delegations is without prejudice to the right of officers to refer an application to a Licensing sub-committee or the full Licensing Committee if considered appropriate in the circumstances of any particular case.

Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or any of its sub-committees to meet in public - although Members can retire into private session to consider their decision.

The Table of delegations will be reviewed and updated from time to time on the basis of the changes to law and practice. For the up to date scheme of delegations please refer to the Licensing Team.

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MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	SUBCOMMITTEE	OFFICERS
Three year licensing policy	x			
Policy not to permit casinos	x			
Fee Setting - when appropriate		x		
Application for Premises Licences			Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Application for a Variation to a Licence			Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Application for a Transfer of a			Where representations	Grant where no representations have

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Licence			have been received from the Commission	been received from the commission
Application for a Provisional Statement			Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Review of a Premises Licence			x	
Application for club gaming/club machine permits			Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Cancellation of club gaming/club machine permits			x	
Applications for other permits				x
Cancellation of licensed premises gaming machine permits				x
Consideration of temporary use notice				x

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Decision to give a counter notice to a temporary use notice			x	
Approval and/or amendments to Delegation Scheme		x		

Appendix DE. Glossary of Terms

Within this draft Statement of Policy, the following words and terms are defined as stated: Licensing Objectives: As set out in Section 1 of the Gambling Act 2005:

- 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 Council: South Bucks District Council District: The area of Buckinghamshire administered by South Bucks District Council (Map at Appendix A) Licenses: As defined under section 4 of this statement

Applications: Applications for licenses and permits as defined under Parts B and C of this statement.

Notifications: A notification of Temporary and Occasional use Notices

Act: The Gambling Act 2005, a new regulatory system to govern the provision of all gambling in Great Britain other than the National Lottery and Spread Betting.

Regulations: Regulations made under the Gambling Act 2005 to ensure smooth transition from the old regime for gambling regulation to the new regime established by the Act.

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Premises:	Any place including a vehicle, vessel or moveable structure.
Code of Practice:	Any Code of Practice issued under section 24 of the Gambling Act 2005.
Mandatory Condition:	Conditions which are specified in regulations by the Secretary of State and must be applied to all premises licences for England and Wales and Scotland respectively.
Default Condition:	Conditions which are specified in regulations by the Secretary of State for England and Wales and Scotland respectively. Local Authorities have powers to exclude default conditions.
Responsible Authority:	Bodies who have rights to be involved/consulted in relation to applications for Premises Licences and other procedures under the Act (List of Responsible Authorities attached at Appendix C)
Interested Party:	defined as <ul style="list-style-type: none"> • People who live sufficiently close to premises in respect of which a premises licence has been granted or applied for, that they are likely to be affected by activities authorised by the licence; and • those with business interests who might be affected by the authorised activities; or representatives of either of these groups

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| Appendix **EF**. Category of Machines

Category of Machine	Maximum Stake from July 2011	Maximum Prize
A	No category A Gaming machines are currently permitted	
B1	£5	£10,000 or £20,000 if linked to other B1 machines
B2	£100 (in multiples of £10)	£500
B3	£2	£500
B4	£1	£400
C	£1	£100
D	Various 10p to £1	£5 to £50 (max relates to non-money prizes only)

NB Stakes and prizes for different categories of gaming machine are updated from time to time. For the most recent information please refer to the Gambling Commission website at www.gamblingcommission.gov.uk

The number of different categories of machines in different types of premises are often subject to limits on numbers or percentages of machines available for use. For the most recent information please refer to the Gambling Commission website at www.gamblingcommission.gov.uk

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