

NEWHAM GAMBLING POLICY

2022-2025.



WE ARE NEWHAM.

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**INTRODUCTION FROM THE
CHAIR OF THE LICENSING
COMMITTEE COUNCILLOR
TONII WILSON**

This is an amended introduction to review our commitment to moving away from a focus on crime associated with gambling to vulnerability, and to better map and understand this in the borough including plans to update our local area profile.

This is the sixth edition of Newham's Gambling Licensing Policy since the Council took over the issuing of gambling licences in 2007.

In this latest edition there have been no amendments, due to our fifth edition being both robust and relevant. However, over the next three years we will refocus our work on ensuring the licensing objective of 'protecting vulnerable persons from being harmed or exploited by gambling' is our key focus, especially better understanding vulnerability within the Borough in liaison with other Council departments including Public Health.

We have set out our expectations of how gambling operators address the local risks specific to their individual premises within the Borough, and over the succeeding period we will continue to work with the trade to ensure

that those risks are mitigated wherever possible and that local risk assessments remain robust and relevant.

We are aware of the Government proposals to reform gambling laws, which we are expecting to be published in May 2022. The Department for Digital, Culture, Media and Sport (DCMS) launched a review of gambling laws in December 2020, amid mounting concern over addiction and children's exposure through advertising and football sponsorship. Ministers and officials at DCMS have been working closely with the industry regulator, the Gambling Commission, on potential reforms to improve protection for addicts and other vulnerable people. Our Gambling Licensing Policy also complements the Council's long-running and successful campaign to reduce the maximum stake on Fixed Odds Betting Terminals (FOBT's) from £100 to £2, and prize from £500 to £100, which we hope will continue to have a positive effect on the number of our residents who suffer from gambling-related problems.

I trust that you will find the policy reinforces our commitment to make Newham a pleasant and safe borough to live and work in, as we continue to work with our partners, such as the Police and the Gambling Commission to ensure that gambling is fair and open, kept free from crime and protects those who are underage or vulnerable from being harmed.

FOREWORD

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

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

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

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

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

PART A - GENERAL A1. INTRODUCTION

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

A1.2 The Council has a Sustainable Community Strategy for 2010–2030 with the three resilience categories of: -

- Community Resilience
- Economic Resilience
- Personal Resilience

The Sustainable Community Strategy is available at www.newham.gov.uk

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

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

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

A1.5 The licensing authority will consult widely (but within reasonable limits) upon any Policy Statement review before finalising and publishing it. The following have been consulted with regard to this Gambling Licensing Policy: -

- The Gambling Commission
- The Metropolitan Police
- The London Fire and Emergency Planning Authority (LFEPA)
- The Council's Development Control
- The Council's Noise & Nuisance Unit
- The Council's Children and Young People's Service
- All gambling/gaming licence holders

Councillors, the Mayor, Young Mayor, and MPs

The public and non- gambling/gaming businesses by means of a notice in a local newspaper, an advert on the Council website, and copies of the draft Policy being available at Libraries, Local Service Centres and the offices of the Licensing Team.

A1.6 A list of comments made and the consideration given by the Council of those comments will be available (subject to the Data Protection legislation) on request by contacting the Licensing Team, Grassroots Centre, Memorial Avenue, Stratford, E15 3DB

A1.7 This Gambling Licensing Policy does not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

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

Note: The Gambling Commission Guidance to Licensing Authorities, together with other guidance and information is available on the Gambling Commission website:

www.gamblingcommission.gov.uk

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

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

A2. THE LICENSING OBJECTIVES

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

A2.2 The licensing objectives are:

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

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

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

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

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

A2.5 With regard to the licensing objective of protecting children and other vulnerable persons

- (a) Children: This objective is concerned with preventing them from taking part in gambling, consideration will be given as to whether specific measures are required at particular premises. Such measures may include supervision of entrances / machines, segregation of areas, age verification schemes (i.e. 'Challenge 21') etc.
- (b) Vulnerable persons: It is noted that there is no definition or interpretation of the term "vulnerable persons" in the Act. In addition it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." In the view of such lack of statutory interpretation or definition, or definitive guidance from the Gambling Commission, this licensing authority shall endeavour to consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this Policy statement will (by way of a revision) be updated with it.

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

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

A3. RESPONSIBLE AUTHORITIES

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

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

The licensing authority considers that the Council's Children and Young Persons Service is the appropriate and competent authority to advise it on the protection of children from harm, and has therefore designated the Council's Children and Young Persons Service for this purpose.

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

A3.2 Public health are not a responsible authority under the Gambling Act 2005, however, the licensing authority will consult the Director of Public Health on all premises licence applications and will advise the Director of Public Health to consider the use of the Gambling Commission's toolkit for public health and safeguarding;

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Public-health-and-Safeguarding-toolkit.aspx>

Interested parties

A4. INTERESTED PARTIES

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

A4.2 Interested parties are defined in the Gambling Act 2005 as follows:

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

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

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

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

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

A4.5 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 or Sub-Committee dealing with the licence application. If there are any doubts then please contact the Council's Democratic Services.

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A.5 REPRESENTATIONS

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

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling (it should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.)
- The Council's Gambling Licensing Policy
- Any relevant current guidance issued by the Gambling Commission
- Any relevant current code of practice issued by the Gambling Commission
- The Gambling Act 2005 and any relevant Regulations made there under.

Please note: -

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

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

A5.3 Copies of all valid representations will be sent to the applicant in accordance with the provisions of the statutory regulations made under the act

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

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

- are vexatious,
- are frivolous, or
- will certainly not influence its determination of the application.

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

A6. EXCHANGE OF INFORMATION

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

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

A7. ENFORCEMENT

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

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

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

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

A7.4 The licensing authority shall whenever appropriate ensure that enforcement is within the principles of the Regulators Compliance Code issued by the The Office for Product Safety and Standards

A7.5 The licensing authority will also keep itself informed of developments with regards to any work of the The Office for Product Safety and Standards relating to the licensing authority's regulatory functions under the Gambling Act 2005.

A7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with Premises Licences and other permissions that it gives. (e.g. compliance with licence conditions). The Gambling Commission is the enforcement body for Operating and Personal Licences, Club Gaming Permits, Club Machine Permits and Lotteries. The Metropolitan Police Service also has a wide range of enforcement powers available to it under the provisions of the Act. When the licensing authority

receive complaints about matters falling outside of its remit, such complaints will be referred to the Gambling Commission and/or the Metropolitan Police Service and/or such other body as may be appropriate.

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

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

A8. LICENSING AUTHORITY FUNCTIONS

A8.1 The main functions and responsibilities of the licensing authority under the Act are the:

- (a) Licensing of certain premises where gambling activities are to take place and/or gaming machines are provided, by issuing Premises Licences. The types of premises licences being Bingo, Adult Gaming Centre, Family Entertainment Centre, Betting (Track), Betting (Other), and Casino
- (b) Issue Provisional Statements for premises being or expected to be built or altered, or that a person expects to acquire.
- (c) Issue either Club Gaming Permits or Club Machine Permits to members' clubs and miners' welfare institutes.
- (d) Issue Club Machine Permits to Commercial Clubs
- (e) Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- (f) Receive notifications for certain premises licensed for the sale by retail of alcohol for consumption on the premises under the Licensing Act 2003 for the use of two or fewer gaming machines.
- (g) Issue Licensed Premises Gaming Machine Permits for certain premises licensed for the sale by retail

of alcohol for consumption on the premises under the Licensing Act 2003 for the use of more than two gaming machines.

- (h) Register small society lotteries below prescribed thresholds.
- (i) Issue Prize Gaming Permits.
- (j) Receive and endorse Temporary Use Notices.
- (k) Receive Occasional Use Notices.
- (l) Provide information to the Gambling Commission regarding details of licences issued (see section 5 above on information exchange).
- (m) Maintain registers of the permits and licences that are issued under these functions.
- (n) Issue notices and other documentation required under the Act and the Regulations made there under.

A.9 DUPLICATION WITH OTHER REGULATORY REGIMES

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

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

A9.2 The licensing authority will listen to, and consider carefully, any concerns that an applicant will not be able to meet any proposed licensing condition due to planning restrictions.

A10 LOCAL RISK ASSESSMENTS

A10.1 From 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.

In making risk assessments, licensees must take into account relevant matters identified in this policy.

A10.2 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

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

A10.3 Known concerns in the area such as problems and criminal behaviour arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.

The proximity of churches, mosques, temples or any other place of worship who may be adversely affected by the gambling premises and have the right as 'interested persons' to lodge an objection to an application

A10.3 The local risk assessment should consider the urban setting:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- Whether the premises is in an area of deprivation.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups.
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.

A10.4 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability

of staff to offer brief intervention and how the manning of premises affects this.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of information regarding self-exclusion and gaming trends.
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with underage persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information, provided in both English and any other prominent first language for that locality.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.
- Arrangements in place to signpost vulnerable customers to relevant support organisations.

A10.5 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity to places where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

A10.6 Other matters that the risk assessment may include:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.

A11. Local Area Profile

<https://mapcase.geofutures.com/gamblingriskindex/newham/>

Click below for the:
Gambling Vulnerability Index Newham Report

PART B - PREMISES LICENCES

B1. General Principles

B1.1 Premises licences may be obtained for the following categories of gambling premises: -

- Betting (other than a Track)
- Betting (Track)
- Bingo
- Adult Gaming Centre
- Family Entertainment Centre
- Large Casino (subject to the restrictions in the Act and Regulations)

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

B1.3 The licensing authority, in exercising its functions as the licensing authority will, in accordance with section 153(1) of the Act, aim to permit the use of premises for gambling in so far as it considers it:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission
- (b) in accordance with any relevant guidance issued by the Gambling Commission
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b));
- (d) in accordance with this Gambling Licensing Policy (subject to (a) – (c)).

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

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

B1.6 In the Act "premises" is defined as "any place", and no premises except for a 'track' (see number B11.1) may have more than one premises licence. However, it is possible for a single place such as a building to be

subject to more than one premises licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a place/building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the licensing authority does not consider that parts of a place/building that:

-
- are not clearly distinct and identifiable from each other (including their external and internal appearance and décor), or
- are artificially separated (e.g. by low and/or transparent partitions or barriers), or
- are temporarily separated,
- can be properly regarded as different premises.

When deciding if parts of a building/place constitute premises in their own right, the licensing authority also will take into account the definition of “premises” in the Gambling Act 2005 together with any current Guidance issued by the Gambling Commission.

The licensing authority will also take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

B1.7 The licensing authority will also take particular care in considering applications:

- for a part of a building, when another part of the building is not licensed and is used for non-gambling purposes. In these circumstances the entrances and exits from the licensed premises will have to be separate, identifiable and conspicuously distinct from the unlicensed areas. Persons using the unlicensed areas of the building must not be able to unknowingly ‘drift’ into the licensed area; and/or
- involving access to the licensed premises through other premises (which themselves may be licensed or

unlicensed). The licensing authority will consider issues such as whether children can gain access; the nature and compatibility of the two establishments; and the ability of the proposed licensed premises to comply with the requirements of the Act and the regulations.

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

- whether the premises ought to be permitted to be used for gambling,
- whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place, and
- when the premises intends to start operating under the licence (in order to ascertain whether the application is being made for ‘speculative’ purposes.)

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

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

B2. LOCATION

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

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

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

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

B3. LICENCE CONDITIONS

B3.1 Mandatory and default conditions that attach to all Gambling Act 2005 premises licences are designed to be sufficient to ensure operation that is reasonably consistent with the licensing objectives. However, due to challenges posed by deprivation, vulnerability and levels of crime and anti social behaviour in the borough, we welcome additional conditions where deemed necessary and will only be imposed where there is a clear risk to the licensing objectives that is not adequately addressed by the mitigation measures, policies and procedures outlined in the applicant's risk assessment.

B3.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this Policy for each of the different licence types.

B3.3 The licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children;

and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's current Guidance.

B3.4 The licensing authority will also ensure that where category A to C gaming machines are on offer in premises to which children are admitted:

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

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

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

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

B3.8 Under the Gambling Act 2005, the applicant is required to conduct a local area risk assessment and detail policies, procedures and mitigation measures to address identified risks. It may be sometimes necessary and proportionate to offer additional conditions where there is a clear risk to the licensing objectives. The following are examples of such conditions:-

1. The premises shall be fitted out and operational within 6 months of the issue of the licence.
2. The Licensee shall notify the licensing authority when the premises have been fitted out and are ready for operation, so that the licensing authority can inspect the premises. Such notification to the licensing authority shall be given no less than 10 days prior to the premises opening under the licence.
3. There shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times when it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 21 years.

4 “Challenge 21”:

- (a) The Licensee shall have a “Challenge 21” policy whereby all customers who appear to be under the age of 21 are asked for proof of their age.
- (b) The Licensee shall prominently display notices advising customers of the “Challenge 21” policy.
- (c) The following proofs of age are the only ones to be accepted:
 - Proof of age cards bearing the “Pass” hologram symbol
 - UK Photo Driving licence
 - Passport

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

5. Staff Competence and Training:

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

6. Refusals Book:

- (a) The licensee to keep a register (Refusals Book) to contain details of time and date, description of under-age persons entering the premises, and the name/ signature of the sales person who verified that the person was under-age.
- (b) The Refusals book to be examined on a regular basis by the licensee and date and time of each examination to be endorsed in the book.
- (c) The Refusals Book to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

7. CCTV:

- (a) The CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public.
- (b) The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the Police or an officer of the licensing authority, upon request.

B4. NUMBERS OF STAFF AND DOOR SUPERVISORS

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

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

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

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

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

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

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

- the identity (including their full name and address) of the door supervisor deployed;
- the time they commenced and finished duty; and
- all incidents that the door supervisors dealt with.

If there are any future changes in the licensing or approval/registration regime administered by the Security Industry Authority that affect door supervisors these will be taken into account by the licensing authority.

B4.5 The term 'door supervisor' means any person:

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

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

B5. PROTECTION OF CHILDREN AND VULNERABLE PERSONS –SPECIFIC REQUIREMENTS FOR PREMISES OTHER THAN BETTING PREMISES

B5.1 Adult Gaming Centres:

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

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

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

B5.2. (Licensed) Family Entertainment Centres

The licensing authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only

gaming machine areas. Appropriate measures and/or licence conditions may cover issues such as:

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

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

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

B5.3. Casinos

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

- (a) Proof of age schemes
- (b) CCTV
- (c) The numbers of staff on duty at any one time
- (d) Door supervisors
- (e) Supervision of entrances/machine areas
- (f) The distinction between table gaming, other gambling/gaming and non-gambling areas
- (g) Location of entry
- (h) Notices and/or signage
- (i) Specific opening hours
- (j) Self-barring schemes
- (k) Provision of information leaflets/helpline numbers for organisations such as GamCare. This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover

B5.4. Bingo Premises

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

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

Appropriate measures/licence conditions may cover issues such as:

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

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

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

B6. BETTING PREMISES

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

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

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

B6.2b This licensing authority may, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licence condition. When considering whether such a condition should be imposed, the licensing authority will take into account:

- the size of the premises
- the number and location of the machines
- the number of counter positions available for person-to-person transactions, and
- the numbers of, and ability of staff to monitor the licensed premises and prevent persons under the age of 18 from entering the premises
- There is no such ability to restrict the number of gaming machines. The holder of a betting premises licence may (by virtue of Section 172(8) Gambling Act 2005) make available to use up to four gaming machines of categories B, C or D.

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

- (a) Proof of age schemes
- (b) CCTV
- (c) The numbers of staff on duty at any one time
- (d) Door supervisors
- (e) Supervision of entrances/machine areas

- (f) Physical separation of areas
- (g) Location of entry
- (h) Notices / signage
- (i) Specific opening hours
- (j) Self-barring schemes
- (k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

B6.3a General

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

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

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

B6.3b Children and Young Persons

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

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

- (a) Proof of age schemes
- (b) CCTV

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

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

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

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

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

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

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

B6.3e Condition on rules being displayed at tracks

The licensing authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

B6.3f Applications and plans for tracks

Applicants must comply with any relevant regulations or guidance issued by the Gambling Commission in relation

to applications for tracks. Applicants must ensure that the licensing authority is made completely aware of what it is being asked to licence.

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

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

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

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

B7. TRAVELLING FAIRS

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

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

B8. PROVISIONAL STATEMENTS

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

Once the premises have been constructed, altered or acquired by the holder of a provisional statement, they can put in an application for the necessary premises licence.

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

No further representations from relevant authorities or interested parties can be taken into account in relation to the premises licence application unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances

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

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

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

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

B9. REVIEWS

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

B9.1 Initiation of review by licensing authority

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

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

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

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

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

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

- are not relevant to the principles that must be applied by the licensing authority in accordance with section 153 of the Act.

Note: If the application raises issues that are not relevant to the current Gambling Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then we may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that we are required to permit the use of premises for gambling in so far we think that permission is in accordance with the matters set out in that section. Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;

- that the grounds are frivolous;
- that the grounds are vexatious;
- that the grounds “will certainly not” cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
- are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances the licensing authority will take into account the period of time that has passed since the representations were made, but the underlying requirement is that the licensing authority should not review the licence on the basis of the same arguments considered on the grant of the premises licence.

The matters which will generally be considered relevant for any review are:

- any relevant current code of practice issued by the Gambling Commission;
- any relevant current guidance issued by the Gambling Commission;
- the licensing objectives;
- the Council’s Statement of Gambling Licensing Policy, and
- The Gambling Act 2005 and the Regulations made thereunder

B10 ACCESS TO PREMISES

B10.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

‘Direct access’ is not defined, but the licensing authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

Type of Premises	Access Provisions
Casino	The principal access to the premises must be from a ‘street’; <ul style="list-style-type: none"> • 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 access a casino directly from any other premises which holds a gambling premises licence.
Adult Gaming Centre	No customer must be able to access the premises directly from any other licensed gambling premises.
Betting Shop	<ul style="list-style-type: none"> • Access must be from a ‘street’ or from other premises with a betting licence; • No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.
Track	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from a casino or Adult Gaming Centre.

Bingo Premises	No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or 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 or a betting premises, other than a track.

PART C - PERMITS/TEMPORARY & OCCASIONAL USE NOTICES

C1. UNLICENSED FAMILY ENTERTAINMENT CENTRE (FEC) GAMING MACHINE PERMITS (STATEMENT OF PRINCIPLES ON PERMITS)

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

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

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

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

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

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

C1.6 The licensing authority will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- (a) criminal record checks for staff,
- (b) appropriate measures and/or training for staff with regard to suspected truant school children on the premises,
- (c) appropriate measures and/or training for staff with regard to unsupervised very young children being on the premises and children causing perceived problems on or around the premises.

C2. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS/AUTOMATIC ENTITLEMENT

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

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

C2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any current guidance issued by the Gambling Commission and such matters as it thinks relevant. This Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm

or being exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and/or helpline numbers for organisations such as GamCare.

C2.3 The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than applied for. Conditions (other than these) cannot be attached to the permit.

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

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

C3. PRIZE GAMING PERMITS

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

- (a) that they understand the limits to stakes and prizes that are set out in Regulations; and
- (b) that the gaming offered is within the law.

C3.2 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any current Gambling Commission guidance.

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

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

C3.4 Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, the licensing authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. Matters to be considered may include;

- What staff should do if they suspect that truant children are on the premises;
- How staff should deal with unsupervised young children on the premises;
- How staff should deal with children causing perceived problems on or around the premises;
- Safeguarding awareness training; and
- An enhanced criminal record check for staff or equivalent criminal records
- check for the applicant and also the person who has the day to day control of the premises;

C4. CLUB GAMING PERMITS AND CLUB MACHINE PERMITS

C4.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, 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 B3A, B4, C or D).

C4.2 The Gambling Commission's guidance for local authorities states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, it must be permanent in nature, not established to make a commercial profit and must be controlled by its members equally unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A Members' Club must be permanent in nature and established and conducted for the benefit of its members and not a commercial enterprise.

Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.5)

C4.3 The licensing authority is aware that it may only refuse an application on the grounds that:

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

C4.4 The licensing authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48 hour rule being applied for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
- Is there a list of Committee members and evidence of their election by the club members?

C4.5 When examining the club's constitution, the licensing authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming.

The licensing authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;

- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits

C5. TEMPORARY USE NOTICES

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

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

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

As with “premises” (see Part B, Premises Licences, Definition of “premises”) the definition of “a set of

premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of “a set of premises”, this licensing authority will look at, amongst other things, the ownership/occupation and control of the premises. This licensing authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

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

The principles that the licensing authority will apply when considering whether or not to issue a counter notice in relation to a temporary use notice, are the same as those it will use in determining premises licence applications.

C6. OCCASIONAL USE NOTICES

C6.1 The licensing authority has very little discretion in relation to these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Although this licensing authority will need to consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself

APPENDIX A GLOSSARY OF TERMS

Adult Gaming Centres

Persons operating an adult gaming centre (AGC) must hold a gaming machines general operating licence from the Commission and have an AGC premises licence from the licensing authority. They will be able to make category B, C and D gaming machines available to their customers.

Alcohol licensed premises gaming machine permits
The licensing authority can issue such permits for any number of category C or D machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category C or D for use in alcohol licensed premises.

Applications

Applications for licences and permits.

Authorisations

This Policy relates to all authorisations, permits, licences etc, which the licensing authority is responsible for under the Gambling Act 2005.

Betting Machines

A machine designed or adapted for the use to bet on future real events (not Gaming Machine).

Bingo

A game of equal chance.

Whilst there is no statutory definition of Bingo, generally there are two different types of bingo:

- cash bingo, where the stakes paid made up the cash prizes that were won; or
- prize bingo, where various forms of prizes were won, not directly related to the stakes paid.
- Premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms.
- Adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit, will be able to offer prize gaming, which includes prize bingo.

Casino

An arrangement whereby people are given an opportunity to participate in one or more casino games.

Children/Child

Individual who is less than 16 years old.

Club Gaming Machine Permit

Permit to enable commercial and non-commercial clubs to provide at their premises the number of gaming machines (Category B, C or D) as set out in the regulations.

Club Gaming Permit

Permits to enable members' clubs and miners' welfare institutes (but not a commercial club) to provide at their premises the number of gaming machines (Category B, C or D), equal chance gaming and games of chance as set out in the regulations.

Code of Practice

Means any relevant current code of practice under section 24 of the Gambling Act 2005.

Default Conditions

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

Disorder

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

Equal Chance Gaming

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

FECs

Family entertainment centres.

Occasional use notices

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

Operating licence

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

Personal licence

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

Premises

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

Premises Licence

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

Prize gaming permits

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

Temporary use notices

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

Unlicensed family entertainment centre gaming machine permits

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

Vulnerable persons

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

Young person

Persons who are 16 to 18 years old.

APPENDIX B**Local Area Profile**

The Local Area Profile contains relevant information that can assist gambling premises operators to assess the local risks specific to their individual premises.

An interactive map can also be found at

<https://mapcase.geofutures.com/gamblingriskindex/newham>

If you need any assistance regarding the Local Area Profile, or in completing your premises specific risk assessment then please contact the Licensing Team by email licensing@newham.gov.uk or by telephoning **0208 430 2000**

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