

# LICENSING COMMITTEE

## AGENDA

<b>7.30pm</b>	<b>Tuesday 21 November 2006</b>	<b>Havering Town Hall Main Road, Romford</b>
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Members 10 : Quorum 4

### COUNCILLORS:

#### Conservative Group

Edward Cahill (Chairman)  
David Charles (V C)  
Georgina Galpin (V C)  
Melvin Wallace (V C)  
Pamela Light  
Peter Gardner

#### Residents' Group

John Mylod  
Linda Van den Hende

#### Rainham Resident Group

Coral Jeffrey

#### Labour Group

Tom Binding

**For information about the meeting please contact: Taiwo Adeoye (01708) 433079  
E-mail: [taiwo.adeoye@haverling.gov.uk](mailto:taiwo.adeoye@haverling.gov.uk)**



# NOTES ABOUT THE MEETING

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At the beginning of the meeting, there will be an announcement about what you should do if there is an emergency during its course. **For your own safety and that of others at the meeting, please comply with any instructions given to you about evacuation of the building, or any other safety related matters.**

## 2. MOBILE COMMUNICATIONS DEVICES

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Although members of the public are welcome to attend meetings of the Committee, they have no right to speak at them. Seating for the public is, however, limited and the Council cannot guarantee that everyone who wants to be present in the meeting room can be accommodated. When it is known in advance that there is likely to be particular public interest in an item the Council will endeavour to provide an overspill room in which, by use of television links, members of the public will be able to see and hear most of the proceedings.

The Chairman of the meeting has discretion, however, to invite members of the public to ask questions or to respond to points raised by Members. Those who wish to do that may find it helpful to advise the Committee Officer before the meeting so that the Chairman is aware that someone wishes to ask a question.

**PLEASE REMEMBER THAT THE CHAIRMAN MAY REQUIRE ANYONE WHO ACTS IN A DISRUPTIVE MANNER TO LEAVE THE MEETING AND THAT THE MEETING MAY BE ADJOURNED IF NECESSARY WHILE THAT IS ARRANGED.**

If you need to leave the meeting before its end, please remember that others present have the right to listen to the proceedings without disruption. Please leave quietly and do not engage others in conversation until you have left the meeting room.

**AGENDA ITEMS**

**1 CHAIRMAN'S ANNOUNCEMENTS**

**2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**  
(if any) - receive.

**3 DECLARATION OF INTERESTS**

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

**4 MINUTES**

To approve as a correct record the minutes of the meeting of the Committee held on 27 July 2006, and to authorise the Chairman to sign them.

**5 APPROVAL OF HAVERING'S STATEMENT OF PRINCIPLES FOR THE GAMBLING ACT 2005 – Report to follow**

**Stephen Evans**  
**Chief Executive**

**MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE  
Havering Town Hall  
27 July 2006 (7.30pm – 8.00pm)**

**Present:**

**COUNCILLORS:**

<b>Conservative Group</b>	Edward Cahill (in the Chair), David Charles, Peter Gardner, Pamela Light and Melvin Wallace
<b>Residents' Group</b>	Linda Van den Hende
<b>Labour Group</b>	Tom Binding

Apologies were received for the absence of Councillors Georgina Galpin, Coral Jeffrey and John Mylod.

No Member declared an interest in the business before the meeting

The Chairman reminded Members of the action to be taken in an emergency

All decisions were taken with no vote against

**3 MINUTES**

The minutes of the meeting held on 31 May 2006 were approved as a correct record, subject to it being noted that an apology for absence was forwarded by Councillor Linda Van den Hende but was not received by the Committee.

**4 APPROVAL OF HAVERING'S DRAFT STATEMENT OF LICENSING PRINCIPLES FOR THE GAMBLING ACT 2005**

The Licensing Divisional Manager presented the draft statement of Principles for the Gambling Act 2005 to the Committee.

The Committee was informed that Section 349 of the Gambling Act 2005 required all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period of the policy.

The report outlined that a Licensing Authority must exercise their functions under the Gambling Act 2005 licensing objectives. The licensing objectives are:

Licensing Committee, 27 July 2006

- 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.

The Draft Statement of Principles had been produced following the Gambling Commission's guidance to local authorities and using the statement of principles template provided by LACORS (Local Authorities Coordinators of Regulatory Services).

The Licensing Committee was requested to agree the contents of the Draft Statement of Principles so that the consultation process can be started to ensure that the Council would be in a position to agree the final document in December 2006. This would enable the publication of the statement to allow enforcement of the Gambling Act 2005 by the first appointed day of 31 January 2007.

**RESOLVED**

**The Committee noted the draft statement of Principles for the Gambling Act 2005 and agreed it for consultation.**

# LICENSING COMMITTEE

## Supplementary

### AGENDA

7.30pm

Tuesday  
21 November 2006

Havering Town Hall  
Main Road, Romford

*This report is submitted with the agreement of the Chairman as an urgent matter, pursuant to Section 100B (4) of the Local Government Act 1972*

- 5 APPROVAL OF HAVERING'S STATEMENT OF PRINCIPLES FOR THE GAMBLING ACT 2005

For information about the meeting please contact: Taiwo Adeoye (01708) 433079  
E-mail: [taiwo.adeoye@havering.gov.uk](mailto:taiwo.adeoye@havering.gov.uk)





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MEETING	DATE	ITEM
Licensing Committee	21 November 2006	<b>5</b>

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### **REPORT OF THE CHIEF EXECUTIVE**

*This report is submitted with the agreement of the Chairman as an urgent matter, pursuant to Section 100B (4) of the Local Government Act 1972*

**SUBJECT: Approval of Havering's Statement of Principles for the Gambling Act 2005**

#### **SUMMARY**

This report is to advise the Licensing Committee of the results of the consultation of Havering's Draft Statement of Principles for the Gambling Act 2005.

#### **RECOMMENDATION**

The Licensing Committee notes the details of this report and agrees the Statement of Principles set out in Annexe A for taking forward to the full Council meeting on 6<sup>th</sup> December 2006.

#### **REPORT DETAIL**

**1.0** Section 349 of the Gambling Act 2005 (hereafter termed 'the Act') requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies (so called 'Statement of Principles').

**2.0** In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. 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, and
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

**3.0** The Council is unable to enforce the Act until it has published its draft Statement of Principles, carried out a consultation on the document and finally had the Statement of Principles approved by full Council. Furthermore, it can only publish its Statement of Principles if it has paid due regard to guidance issued by the Government.

**4.0** Havering's draft Statement of Principles was produced following the Gambling Commission's guidance to local authorities and using the Statement of Principles template provided by LACORS (Local Authorities Coordinators of Regulatory Services). The draft statement for consultation was agreed by the Licensing Committee on 27<sup>th</sup> July 2006.

**5.0** The draft statement went for consultation to the following bodies as required by section 349(3) of the Act

- The Borough Commander.
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authorities area; and
- 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 this Act.

The consultees are listed in Appendix B of the Statement of Principles.

The statement was also published on the Havering website.

The consultation period lasted until the 30<sup>th</sup> October 2006. The general concerns related to a) the need for applicants for alcohol premises licenses to supply plans of premises, b) codes of practice and c) door supervision.

All of the comments have been considered in light of Government guidance and, where appropriate, incorporated into the final version of the Statement of Principles, which is presented in *Annexe A* to this report. Some comments could not be included because either they would not be permitted by other legal powers/duties or they are covered by existing legislation which, according to best practice, should not be duplicated in



the Statement of Principles. Changes that have been incorporated are presented in *Annexe B*.

**Reasons for the decision**

**6.0** The Licensing Committee is requested to agree the contents of the Statement of Principles so that a report can be made to full Council on 6 December 2006 with a view to meeting the Government's requirement to have a published Statement in place by 31<sup>st</sup> January 2007.

**Financial Implications and risks:**

**7.0** Preparatory work in relation to the Statement of Principles has been undertaken within existing budgets within the Environmental Health service area. The costs of printing and publishing the Statement of Principles will also be met from these budgets. The provisions of the Gambling Act 2005 will provide the Council with further obligations, which will have resource implications. These will be explored as part of a further report to Cabinet to review this and other recent Licensing legislation changes. The Government have indicated that fee levels are to be set by the Department for Culture, Media & Sport to recover the full costs of the Council. As yet the fees have not been announced. The Gambling Act 2005 comes into effect from the 1<sup>st</sup> September 2007

**Legal Implications and risks:**

**8.0** If the Council do not go through the correct consultation process and fails to produce a Statement of Principles with regard to the Gambling Act 2005, it would not be in a position to implement the Act on the First Appointed Day 31<sup>st</sup> January 2007. The Council is also required by the provisions of s.349 Gambling Act 2005 to have a Three year licensing Policy and to review same from time to time. Failure by the Council to have such a policy would mean that it would fall foul of these provisions with the attendant consequences.

**Human Resources Implications and risks:**

**9.0** There are no direct human resources implications to this report

**Equalities and Social Inclusion Implications and risks:**

**10.0** There are no direct equalities and social inclusion implications to this report.

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Designation:                      Licensing Divisional Manager  
Telephone No: 01708 43 2718  
E-mail address      trudi.penman@haverling.gov.uk

**STEPHEN EVANS**  
**Chief Executive**

**Background Papers List**

Comments received as a result of the consultation

Annexe A



## **Gambling Act 2005**

# **STATEMENT OF PRINCIPLES**

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## **PART A**

### **1.0 Preface**

1.1 Under the Gambling Act 2005, a new regime for regulating gambling and betting will be introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting will be regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

1.2 The London Borough of Havering, along with other local licensing authorities, has a duty under the Act to licence premises where gambling takes place, and to licence certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

## **2.0 Licensing Objectives**

2.0 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 Act. 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

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

2.3 This Statement of Principles is intended to meet the Council's obligations under section 349 of the Act. In carrying out its' functions, the Council will generally aim to permit the use of premises for gambling as long as it is considered to be:

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any Guidance issued by the Gambling Commission
- in accordance with this Statement of Principles
- reasonably consistent with the licensing objectives.

## **3.0 Introduction**

3.1 The London Borough of Havering is a borough with an ancient history and an exciting future. It is located on the periphery of North East London. The area has good road and rail links and boasts a 3 mile river frontage. It is currently a major centre for renewal and development.

3.2 Granted a royal liberty 540 years ago, the borough has held a regular street market since 1247. Today Havering is London's third largest borough, with a population of over 220,000 and an area of 11,227 hectares, of which almost over half is open green space.

3.3 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. Leisure facilities are second to none, with three

recently renovated leisure centres with state-of-the-art equipment and facilities. The borough is also a great place to shop. There are 250,000 regular shoppers in Romford town centre alone. In addition to Romford there are small local shopping centres in Harold Hill, Collier Row, Hornchurch, Cranham, Upminster, Elm Park and Rainham See map appendix A

3.4 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed 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 the any amended parts re-consulted upon. The statement must be then re-published.

3.5 The London Borough of Havering consulted widely upon this policy statement before finalising and publishing. Full details of the consultation are shown at appendix B.

3.6 This Statement of Principles was approved at a meeting of the Full Council on X date and was published via our website on x date. Copies were placed in public libraries in the Borough as well as being available in the Town Hall and at the public advice centres.

This statement takes effect on xxxxx and will be subject to review and further consultation prior to xxxx.

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

Licensing Divisional Manager  
London Borough of Havering  
Environmental Health Service  
Mercury House  
Mercury Gardens  
Romford  
Essex  
RM1 3SL

E mail [Licensing@haverling.gov.uk](mailto:Licensing@haverling.gov.uk)

3.7 It should be noted that this policy statement 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.

#### **4.0 Declaration**

In producing the final 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.



## **5.0 Authorised activities**

5.1 '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 true
- 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.

5.2 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

5.3 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's licensing team where appropriate.

### *5.4 Types of Licences and Permissions*

Under the Act, the Gambling Commission is responsible for issuing premises licences and personal licences.

The Council in its' capacity as a licensing authority will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines

- grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- register small society lotteries below prescribed thresholds
- issue prize gaming permits
- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- maintain registers of the permits and licences that are issued under these functions
- exercise its' powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

#### 5.5 The Gambling Commission

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

The Commission has issued guidance under section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.

The Commission will also issue Codes of Practice under section 24 about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission  
Victoria Square House  
Victoria Square  
BIRMINGHAM  
B2 4BP

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

## **6.0 General Statement of Principles**

6.01 The Council recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.

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

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

6.04 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.

6.05 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.

6.06 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.

6.07 However, the overriding principle is that all applications and the circumstances prevailing at each premise will be considered on their own individual merits. When applying these principles the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.

### Preventing Gambling from being a source of crime and disorder

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

6.09 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 and where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

6.10 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.

6.11 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 existing powers.

6.12 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 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.

6.13 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

6.14 The Gambling Commission does not 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.

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

#### Protecting children and other vulnerable people from gambling

6.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.

6.17 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. In relation to casinos only, the Gambling Commission will be issuing a code of practice about access to casino premises for children and young persons.

6.18 When considering whether to grant a premises licence or permit the Council will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

6.19 In seeking to protect vulnerable people the Council will include 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, perhaps due to a mental impairment, alcohol or drugs. This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

6.20 Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:

- betting shops cannot admit anyone under 18
- bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines (See appendix C for categories of gaming machines).
- Adult Entertainment Centres cannot admit those under 18
- Family Entertainment Centres and premises with an alcohol premises licence such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over 18
- clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines
- Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

6.21 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.

## 7.0 Responsible Authorities

7.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- the Gambling Commission
- the Police
- the Fire Service
- the local planning authority
- Environmental Health
- HM Revenue and Customs
- Childrens Social Services
- A licensing authority in whose area the premises is situated (that is, the Council itself and also any adjoining Council where premises straddle the boundaries between the two).

7.2 The Act places particular emphasis on child protection, viz.

*“The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.*

*The principles are:*

- *the need for the body to be responsible for an area covering the whole of the licensing authority’s jurisdiction.*
- *the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.”*

In accordance with the Gambling Commission’s Guidance for local authorities this authority designates the Children Service of the Council for this purpose.

7.3 Any concerns expressed by a responsible authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally consider representations which are deemed to be irrelevant, such as:

- there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- the premises are likely to be a fire risk (because public safety is not a licensing objective)
- the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- the premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. It should be noted that, unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws).

7.4 Each representation will, however, be considered on its own individual merits.

7.5 The contact details of all the responsible authorities under the Gambling Act 2005 are available via the Council's website at [www.havering.gov.uk](http://www.havering.gov.uk) under 'Business'.

## 8.0 Interested parties

8.1 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 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 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)”*

8.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

(1) Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.

(2) Interested parties can include trade associations, and residents'/tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Councillors and MPs may also be interested parties. Elected councillors may represent interested parties, providing they do not also sit on the Licensing sub-committee determining the application in question.

(3) In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the Council may take account of:

- the size of the premises
- the nature of the premises
- the nature of the authorised activities being proposed
- the distance of the premises from the person making the representation
- the characteristics of the complaint
- the potential impact of the premises



- (4) The 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 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 report will be made to the licensing sub-committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.
- (5) 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 licensing policy.
- (6) In the absence of any regulations to the contrary, representations should ideally:
- be made in writing (preferably in duplicate, unless submitted electronically)
  - be in black ink on single sides of A4 paper
  - indicate the name and address of the person or organisation making the representation
  - indicate the premises to which the representation relates
  - indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this
  - clearly set out the reasons for making the representation.

## **9.0 Exchange of Information**

9.1 Licensing authorities are required to include in their policy statement 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 respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

9.2 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. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

9.3 Details of applications and representations which are referred to a Licensing sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so, and agrees that the grounds are founded.

## **10.0 Enforcement**

10.1 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.

10.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:

- proportionate. It will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised
- accountable, with decisions being justifiable, and be subject to public scrutiny
- consistent: rules and standards will be joined up and implemented fairly
- transparent and open. Licence conditions will be kept simple and user friendly; and
- targeted: regulation should be focused on the problem, and minimise side effects.

10.3 The Council will avoid duplication with other regulatory regimes so far as possible.

10.4 It will also adopt a risk-based inspection programme to premises. Its' enforcement protocols are available from the Licensing Team.

10.5 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.

10.6 The Gambling Commission will be the enforcement body for the Operator 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 but will be notified to the Gambling Commission. This authority also understands from LACORS that the Gambling Commission will be responsible for compliance as regards unlicensed premises.

10.7 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

## **PART B**

### **PREMISES LICENCES**

#### **1.0 General principles**

##### 1.01 Definition of “premises”

Premises are defined in the Act as “any place”. It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Gambling Commission states in its draft Guidance for local authorities, it “will always be a question of fact in the circumstances.” The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

1.02 This licensing authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, “entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.”

1.03 This licensing authority will also take note of the Gambling Commission’s Guidance to local authorities that: “Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).”

1.04 In terms of representations about premises licence applications, following the grant of a provisional statement i.e. where the premises has not yet been built, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the 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; or
- which is in the authority’s opinion reflect a change in the operator’s circumstances.

##### 1.05 Location

The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The 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 policy 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 the concerns can be overcome.

1.06 This authority will seek 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 or building consent, in its consideration of it. This authority 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.

1.07 Under section 210 of the Act the licensing authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. The licensing authority will however consider relevant representations from the local planning authority about the effect of the grant of a premises licence on a still existing planning permission where this relates to the licensing objectives, a Commission code of practice, or this statement of principles.

#### 1.08 Licensing objectives

The grant of a Premises licences must be reasonably consistent with the licensing objectives.

#### 1.09 Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

1.10 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 door supervisors, supervision of adult gaming machines, appropriate signage for adult-only areas etc. There are specific comments made in this regard under each of the licence types below. This licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

1.11 It is noted that there are conditions which the licensing authority cannot attach to premises licences:

- 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.

#### 1.12 Door Supervisors

The Gambling Commission advises in its Guidance for Local Authorities that they may consider whether there is a need for door supervisors in terms of the licensing objectives for

- a). protection of children and vulnerable persons from being harmed or exploited by gambling, and
- b) for preventing premises becoming a source of crime.

1.13 Where operators and licensing authorities decide that supervision of entrances/ machines is appropriate for particular cases, it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

#### 1.14 Credit

Section 177 of the Act does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises.

1.15 Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines.

1.16 The licensing authority is aware that Gambling Commission guidance may change on this topic in the light of experience and evidence.

## **2.0 Adult Gaming Centres**

2.1 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 that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours
- staff training in relation to proof of age schemes
- change machines
- advertising sources of help and other means of help for problem gamblers

This list is not exhaustive.

2.2 As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-exclusion schemes, provision of information leaflets or helpline numbers for organisations such as GamCare.

### **3.0 Licensed Family Entertainment Centres**

3.1 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 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 licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances and/or machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours

This list is not exhaustive.

3.2 Measures such as the use of self-exclusion schemes, provision of information leaflets or helpline numbers for organisations such as GamCare will be considered in order to protect children and vulnerable persons.

3.3 This licensing authority will refer to the Commission's website to look for any conditions that apply to operator 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.



#### **4.0 Casinos**

4.1 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is 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 policy statement with details of that resolution.

## **5.0 Bingo premises**

5.1 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.

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

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

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

5.5 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 on 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.

5.6 A limited number of gaming machines may also be made available at bingo licensed premises. Where category C or above machines are available in premises to which children are admitted, the licensing authority will seek to ensure that:

- all such machines are located in an area of the premises 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 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.

### 5.7 Members' clubs and commercial clubs

Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will

require a bingo operators licence and the corresponding personal and premises licences.

## **6.0 Betting premises**

6.1 Anyone wishing to operate a betting office will require a betting premises licence from the Council. Children and young persons will not be able to enter premises with a betting premises licence.

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

6.3 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.

6.4 Each application will be considered on its own individual merits.

6.5. The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, whom the authority will contact first should any compliance issues or queries arise.

## **7.0 Tracks**

7.01 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.

7.02 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.

7.03 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

7.04 When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

7.05 This licensing authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.

7.06 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.07 Appropriate licence conditions may be:

- Proof of age schemes

- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The location of gaming machines

This list is not exhaustive.

7.08 Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare will be considered suitable in relation to the protection of children and vulnerable people.

#### *7.09 Betting machines at tracks*

Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.

7.10 In addition to the comments above re betting machines in betting premises, similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. The licensing authority may consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.

7.11 This licensing authority notes the Commission's view, that it would be preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

#### *7.12 Condition on rules being displayed*

In line with guidance from the Gambling Commission the Council 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, such as being could printed in the race-card or made available in leaflet form from the track office.

## **8.0 Travelling Fairs**

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

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



## **9.0 Provisional Statements**

9.1 This licensing authority notes the guidance for the Gambling Commission which states that 'It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence' and that 'Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully.'

9.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage or they reflect a change in the applicant's circumstances. In addition, the 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 objection at the provisional licence stage; or
- which is in the authorities opinion reflect a change in the operator's circumstances.

9.3 This authority has noted the Gambling Commission's Guidance that ' A licensing authority should not take into account irrelevant matters ... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.'

## **10.0 Review of Premises Licences**

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities.

10.1 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
- frivolous
- vexatious
- will certainly not cause this authority to alter, revoke or suspend the licence 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 licensing policy

10.2 Licensing authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. Unlike the Licensing Act 2003, the licensing authority may review premises licences of its' own volition. A referral to a Licensing Sub-Committee of a premises for a review will be first approved by the Environmental Health Manager.

10.3 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate. This can extend to a review of a class of licences where it considers particular issues have arisen. Reviews of a class of premises will be first agreed to by the Environmental Health Manager in consultation with the Chair of the Licensing (Licensing Act 2003) Committee.

10.4 The Gambling Commission will be a responsible authority in premises licence reviews.

## **PART C**

### **PERMITS / TEMPORARY & OCCASIONAL USE NOTICE**

#### **1.0 Unlicensed Family Entertainment Centre gaming machine permits**

1.1 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 under section 238 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

1.2 The Act 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. In preparing that 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.

1.3 A Family Entertainment Centre (FEC) gaming machine permit cannot be granted unless the Borough Commander has been consulted, and no conditions may be imposed upon the grant of a permit. Therefore the licensing authority will wish to be satisfied as to the applicant's suitability before granting a permit. Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.

#### *1.4 Statement of principles*

Applicants 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. The efficiency of such policies and procedures will each be considered on their merits, however, they may include background checks on staff, training for staff in dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

1.5 Applicants will be expected 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)
- that staff are trained to have a full understanding of the maximum stakes and prizes; and

- an awareness of local school holiday times and how to contact the local education office should truants be identified.

1.6 Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers.

1.7 The licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

## **2.0 (Alcohol) Licensed premises gaming machine permits**

2.01 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

2.02 Under section 284 the licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

2.03 Should it necessary to issue section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. The authority will hold a hearing if the licensee requests.

2.04 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 guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant."

### *2.05 Statement of principles*

This licensing authority 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 authority that there will be sufficient measures to ensure that under-18 year olds do not have access to the adult-only gaming machines. The authority will take into account whether access by children to the premises by the premises licence under the Licensing Act 2003 is restricted or not.

2.06 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 that will monitor that the machines are not being used by those under 18. Notices and signage may also be 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.

2.07 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an adult entertainment centre premises licence.

2.08 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

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

#### *2.10 Administrative matters*

Notifications and applications for two or three machines will generally be dealt with by licensing authority officers. Those for four or five machines will be determined by officers in consultation with the Chair of the Licensing (Licensing Act 2003) Committee, and applications for five or more machines will be referred to a Licensing sub-Committee.

### **3.0 Prize Gaming Permits**

3.1 The licensing authority may prepare a statement of principles which they propose to apply in exercising their functions which may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit.

3.2 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

3.3 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.

3.4 Applicant should set out the types of gaming they are intending to offer and should be able to demonstrate:

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

3.5 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach 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.

3.6 Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.

*3.7 Statement of principles*

This licensing authority 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 authority that there will be sufficient measures to ensure that under-18 year olds do not have access to unequal chances prize gaming. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

3.8 A plan (scale 1:100) must accompany applications indicating where, and what type, of prize gaming is to be provided.



#### **4.0 Club Gaming and Club Machines Permits**

4.1 Members' clubs (but not commercial clubs) may apply for a club gaming permit or a clubs gaming machines permit.

#### 4.2 Club gaming permit

Club gaming permit allow the premises to provide

- up to three machines of categories B, C or D
- equal chance gaming and
- games of chance as set out in regulations.

#### 4.3 Club gaming machine permit

A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.

4.4 The Licensing Authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Act. Clubs which hold a club premises certificate under the Licensing Act 2003 are entitled to benefit from a fast-track application procedure.

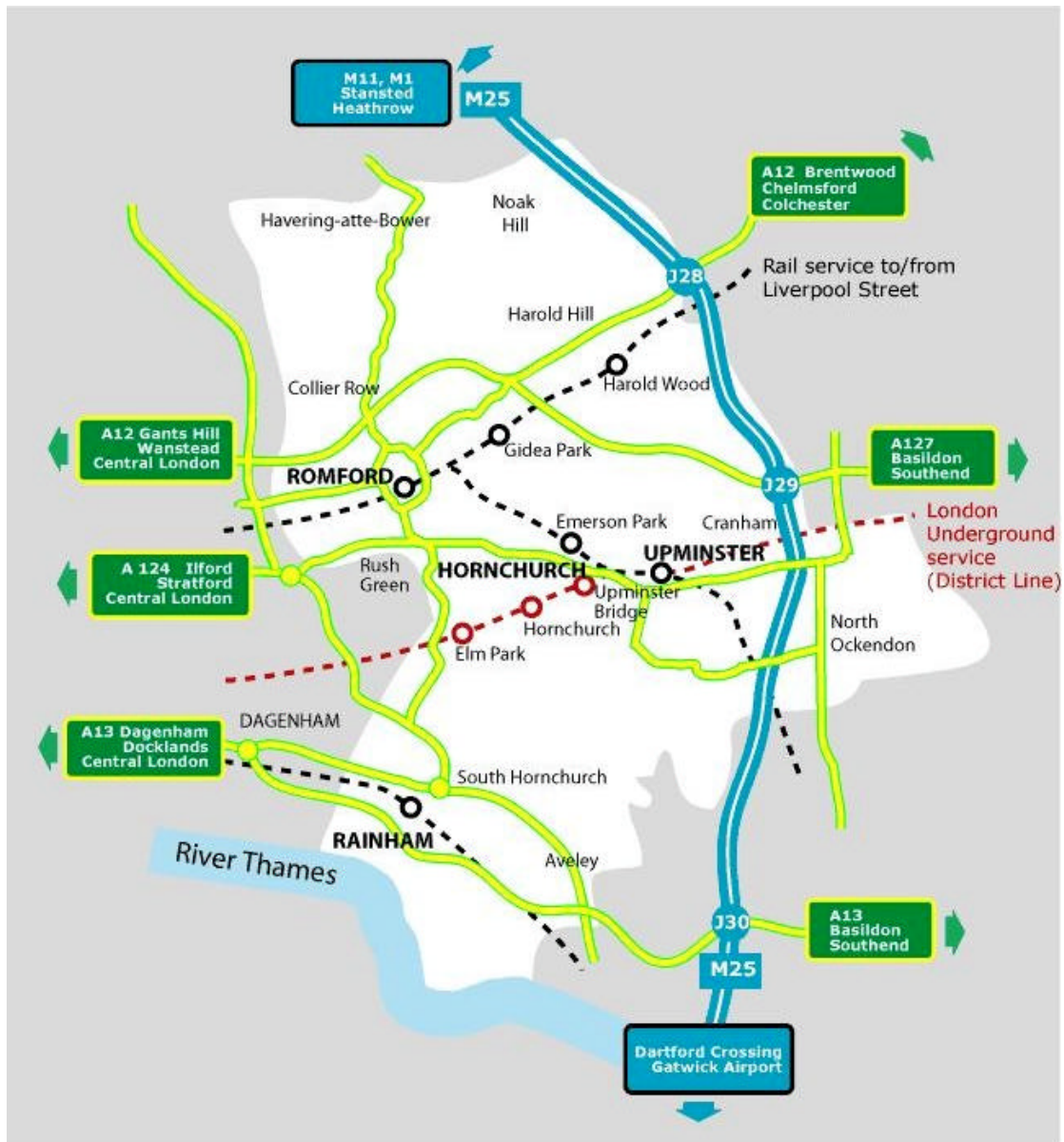
## **5. Temporary Use Notices**

5.1 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the licensing authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site.

## **6. Occasional Use Notices**

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

## Appendix A Map of Borough



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London Borough of Havering 100024327

## Appendix B List of Consultees

A list of the persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but not all of these individuals have been listed.

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 represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted*
  - (a) BACTA
  - (b) Business in Sport and Leisure
  - (c) Mecca Bingo Ltd
  - (d) British Beer and Pub Association
  - (e) Gamcare
  - (f) Leisure Link Ltd
  - (g) Association of British Bookmakers
  - (h) Havering Chamber of Commerce.
- *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:*
  - (a) Head of Regeneration, London Borough of Havering
  - (b) Director of Sustainable Communities, London Borough of Havering.
  - (c) Director of Childrens Services, London Borough of Havering
  - (d) Town Centre Management London Borough of Havering.
  - (e) Romford Town centre Chaplaincy
  - (f) Clubs with club premises certificates under the Licensing Act 2003
  - (g) Youth offending team
  - (h) Mental health team
  - (i) Council Members
  - (j) Havering Primary Care Trust

The consultation took place between 8 August 2006 and 30 October 2006. In so doing, the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector were followed. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>  
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

### Appendix C Categories of gaming machines

Category of machine	Maximum stake	Maximum prize
A	unlimited	unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

## Annexe B

<b>Page Number</b>	<b>Draft</b>	<b>Final</b>	<b>Origin of representation</b>
5	Para 3.6	Inserted <i>This statement takes effect on xxxxx and will be subject to review and further consultation prior to xxxx.</i>	Current guidance on best practice.
10	Para 6.9	Inserted <i>This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.</i>	Current guidance on best practice and several representations.
11	Para 7.1	Inserted <i>Childrens Social Services</i>	Current guidance on best practice
19	Para 1.13 deleted	Inserted <i>Where operators and licensing authorities decide that supervision of entrances/ machines is appropriate for particular cases, it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be..</i>	Current guidance on best practice and Association of British Bookmakers
20	Para 2.2 deleted <i>barring</i>	Inserted <i>exclusion</i>	Current guidance on best practice
21	Para 3.2 deleted <i>barring</i>	Inserted <i>exclusion</i>	Current guidance on best practice
25	Para 6.6	Inserted <i>The authority recognises that certain bookmakers have a number of premises within its area. In order to</i>	Association of British Bookmakers

		<i>ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, whom the authority will contact first should any compliance issues or queries arise.</i>	
31	Deleted para 1.6	Renumbered para 1.7 and 1.8	Gambling Commission
33	Para 2.05	Inserted by <i>the premises licence</i> in last sentence after <i>premises</i> .	British Beer and Pub Association
34	Deleted para 2.07	Renumbered para 2.08 - 2.111	British Beer and Pub Association