



HERTSMERE BOROUGH COUNCIL

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

2018 – 2021

THIS PAGE IS LEFT BLANK

Part A		Page
1.	Introduction	5
2.	Declaration	6
3.	Fundamental Rights	6
4.	The Licensing Objectives	6
5.	The Borough of Hertsmere	7
6.	Authorised Activities	10
6.1	Licenses under the Gambling Act 2005	10
7.	The Gambling Commission	11
8.	Responsible Authorities	11
9.	Interested Parties	12
10.	The Council's Function	13
11.	Exchange of Information	13
12.	Enforcement	14
PART B	PREMISES LICENSES: CONSIDERATION OF APPLICATIONS	16
13.	General Principles	16
	(a) Decision making	16
	(b) Definition of "premises"	16
	(c) Access to premises	17
	(d) Premises "ready for gambling"	18
	(e) Location	19
	(f) Planning	19
	(g) Duplication with other regulatory regimes	20
	(h) The licensing objectives	20
	(i) Local risk assessments	22
	(j) Licence conditions	24
	(k) Door supervisors	25
	(l) Safeguarding against Child Sexual Exploitation (CSE)	26
14.	Premises Licenses	26
15.	Adult Gaming Centres (AGCs)	27
16.	(Licensed) Family Entertainment Centres (FEC)	27
17.	Casinos	28
18.	Bingo Premises	28
19.	Betting Premises	29
20.	Credit /ATMs	30
21.	Tracks	30
22.	Applications and Plans	31
23.	General Requirements for All Premises	32
24.	Travelling Fairs	32
25.	Provisional Statements	33
26.	Reviews	33
PART C	PERMITS / TEMPORARY AND OCCASIONAL USE NOTICE	35
27.	Permits	35
28.	Unlicensed Family Entertainment Centres Gaming Machine Permits	35
29.	Statement of Principles	36
30.	(Alcohol) Licensed Premises Gaming Machine Permits	36
31.	Administrative Matters	38
32.	Prize Gaming Permits	38

33.	Club Gaming And Club Machine Permits	39
34.	Small Society Lotteries	41
35.	Temporary Use Notices	42
36.	Occasional Use Notices	43
37.	Summary of Terms under the Gambling Act 2005	43
38.	Responsible Authorities	43
39.	Categories of Gaming Machine	43
40.	Number of Gaming Machines by Premise Type	44
Appendix A	Persons/ Organisations Consulted With	46

PART A:

1. INTRODUCTION

On 1 September 2007 The Gambling Act 2005 (“the Act”) was introduced throughout England and Wales providing a new regime for regulating gambling and betting. The Act introduced a gambling regulator, the Gambling Commission and apart from the National Lottery and spread betting, the gambling commission regulates the gambling industry including the licensing of operators and individuals involved in the provision of gambling and betting.

The Act gave Hertsmere Borough Council (“The Council”) along with other Local Licensing Authorities responsibilities to licence premises where gambling is taking place. The Council are also required to licence certain other activities such as the registering of small society lotteries.

Under section 349 of the Act it states Licensing Authorities are required to publish a statement of principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commissions Guidance to licensing authorities (5th Edition) contains further detail on the form of the council’s Statement of Principles.

Gambling is a legitimate regulated activity that is enjoyed by a large number of the population. However, there are a number of people within our society who are at risk of gambling related harm. The Council as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the borough to ensure they meet the fundamental principles of the Act. In doing so the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm.

The Licensing Authority, in carrying out its functions under section 153 of the Gambling Act 2005 will aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice under section 24;
- In accordance with any relevant guidance issued by the Gambling Commission under section 25
- Consistent with the licensing objectives (subject to the above 2 points); and
- In accordance with this statement of principles (subject to the above 3 points).

The aim to permit principle provides wide scope for the authority to impose conditions on a premise licence, reject, review or revoke premises licenses where there is a potential conflict with the relevant codes of practice, relevant guidance issued by the Gambling Commission and this statement of principles.

This statement of principles is intended to be consistent with the 3 licensing objectives set out in the Act. These objectives are:

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

This statement of principles was prepared in 2018 and following consultation was agreed by Full Council on 21 November 2018. This new 3 year statement of principles was published on 18 December 2018 and has effect from 31 December 2018.

Although this statement must be published at least every 3 years, the statement is a “living” document that must be regularly reviewed. If any part of the document is amended, further consultation and re-publication is required.

The Act requires licensing authorities to consult with the following parties:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area; 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 the Gambling Act 2005.

Authorities may also consult with other persons/organisations such as local businesses and faith groups a full list of those who have been consulted with is provided in the attached Appendix A.

The Council will look at the views submitted by consultees and consider carefully whether they should be taken into account. The Council must ensure that only matters within the scope of the guidance, Act and Codes of Practice are considered when finalising the statement.

2. DECLARATION:

In reviewing this statement of principles, Hertsmere Borough Council as the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission to Licensing Authorities and has had regard to any responses arising from the consultation.

3. FUNDAMENTAL RIGHTS

Under the terms of the Act any individual / company has the right to make an application and have that application considered on its own merits. Additionally any interested party or Responsible Authority has the right to make representations on an application or to seek a review of a licence where provision in the Act has been made for them to do so.

Applicants and those who make relevant representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates Court against the decision of the Licensing Authority.

4. THE LICENSING OBJECTIVES

In exercising most of its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the Act. These 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.**

The licensing authority is aware that, in making decisions in respect of premises licences and temporary use notices, section 153 of the Act states that it should “aim to permit” the use of premises for gambling in so far as they think it is:

- In accordance with any relevant Codes of Practice issued by the Gambling Commission
- In accordance with any relevant Guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives
- In accordance with this Statement of Licensing Principles

When considering an application this Licensing Authority considers 5.34 of the Gambling Commission’s Guidance to local authorities which states:

“In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met. Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licenses. This is because such objections do not relate to the licensing objectives. An authority’s decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).”

5. THE BOROUGH OF HERTSMERE

The district was formed on 1 April 1974, under the Local Government Act 1972, by a merger of the former area of Bushey Urban District and Potters Bar Urban District with Elstree Rural District and part of Watford Rural District (the parish of Aldenham). The name ‘Hertsmere’ was invented for the new district by combining the common abbreviation of ‘Hertfordshire’ (‘Herts’) with ‘mere’, an archaic word for boundary.

Hertsmere is not an ancient Borough, although the area is certainly rich in history. The great Roman Road, Watling Street, cuts a swathe through the Borough from Elstree, through Radlett and beyond into Hertfordshire, serving to underline the fact that settled communities have existed in the area since early times.

Covering an area of around 39 square miles, Hertsmere’s 103,000 (approx.) residents are concentrated in the Borough’s four main towns: Borehamwood (pop. 35,000), Potters Bar (pop. 22,000), Bushey (pop. 22,000) and Radlett (pop. 9,000). In addition to these urban developments, Hertsmere boasts wide tracts (around 80%) of Green Belt countryside dotted with attractive villages; much of the land is still given over to agricultural use.

Radlett

Clustered along the line of Watling Street, there is evidence of a settlement at Radlett dating from Roman times. However, this attractive urban village really developed in the 18th century and expanded further in response to favourable road and rail connections.

Radlett is one of the most prosperous places in Britain and over the past few years, the combination of its proximity to London and good transport links have meant that Radlett has become a property hotspot.

Today, Radlett's proximity to the City via express rail links means it has become a charming residential dormitory settlement with an excellent range of shops, restaurants and pubs.

Elstree & Borehamwood

This busy small town was a hamlet until the opening of Elstree station in 1868. Today Borehamwood is probably best known for its part it played in the history of British Films, a role continued today by Hertsmere Borough Council, which saved Elstree Film Studios from virtual extinction in 1996.

Up until 1909, the town was part of the ancient parish of Elstree and the two still share a local council, Elstree and Borehamwood Town Council. The population is split between two main centres; Borehamwood Town (c35,000) and Elstree Village (c.5,000)

Borehamwood is home to Boreham Wood F.C., Arsenal Ladies and Watford F.C. Reserves who play their home games at Meadow Park. There are several parks in the area. Aberford Park is featured with the source of the brook which has been artificially made to look like a lake. Aberford Park is also a Green Flag Award Winner since 2009. Meadow Park includes a large playing field, tennis courts and basketball courts.

Borehamwood's modern town centre offers local shopping facilities as well as jobs in light industry, offices and the retail sector. It is the location of the BBC Studios where the famous 'Eastenders' and 'Holby City' are filmed and also Elstree Studios where Strictly Come Dancing, Celebrity Juice and Big Brother are filmed. There are many popular films to come out of the Elstree studios. Most productions are filmed on both location and in the studio and sometimes in more than one studio; all these films can claim to have a substantial (or technically significant) part of their production filmed at Elstree. Some of the productions are Star Wars, The Empire Strikes Back, Return of the Jedi, Raiders of the Lost Ark, Who Framed Roger Rabbit, Moby Dick, Never Say Never Again, The King's Speech, The Crown and The Likely Lads...to name but a few.

Potters Bar

Originating in medieval times, Potters Bar owes its real development to the coming of the railways. In the 1920s and 30s, when the town became a favourite home for commuters, the population trebled. As a result of this rapid suburban growth, the town has two shopping areas centred on Darkes Lane and the High Street.

Easy access to the M25 has increased Potters Bar's attractiveness for commuters and it is now a lively modern town with a strong and active community.

Oakmere Park is a Green Flag award-winning park and was once the private grounds of Oakmere House. The park has a lot of history attached to it and on the night of 1 October 1916, a 'Super Zeppelin' was shot down over the park by Second-Lieutenant W J Tempest. The road that borders the park was named Tempest Avenue in his honor. The Zeppelin crashed onto an oak tree to the west of the park and the pilot and all his crew were killed.

Parkfield is also a Green Flag Award-winner since 2009, Parkfield has a variety of features including a Japanese Garden, lake and wildflower meadows. It is a natural open space and parts of it are managed as traditional hay meadow.

The four main towns mentioned above each have their own distinct identity, with very different characteristics when it comes to their respective demographics and alcohol / entertainment venues. There are also a number of picturesque rural villages within Hertsmere these include Shenley, Letchmore Heath, Aldenham and Ridge.

6. AUTHORISED ACTIVITIES

'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.

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.

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.

6.1. LICENCES UNDER THE GAMBLING ACT 2005

The Act provides the following 3 categories of licence:

- Operating licences
- Personal licences
- Premises licences

The Gambling Commission will be responsible for the issuing of operating and personal licenses, while the Council will be responsible for the issuing of premises licenses.

7. THE GAMBLING COMMISSION

The Gambling Commission are an independent non-departmental public body (NDPB) sponsored by the Department for Digital, Culture, Media and Sport (DCMS) and is responsible for regulating the gambling industry in accordance with the Gambling Act 2005. This is achieved by issuing national operating licenses to gambling businesses and personal licenses to individuals.

In regulating gambling the commission are required to have regard to the 3 licensing objectives which include keeping crime out of gambling, ensuring that gambling is conducted in a fair and open way and by protecting children and vulnerable people. The commission like Licensing Authorities must aim to permit gambling in so far as they think it is reasonably consistent with the licensing objectives.

The Commission also provide 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 the following principle statutory functions:

- Issuing operating and personal licenses to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions and ensuring that holders of licenses adhere to their terms;
- Publishing codes of practice;
- Publishing statutory guidance to licensing authorities.

The Gambling Commission can be contacted at:

Gambling Commission, Victoria Square House, Victoria Square, BIRMINGHAM B2 4BP.

Website: www.gamblingcommission.gov.uk

Email: info@gamblingcommision.gov.uk

8. RESPONSIBLE AUTHORITIES.

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 area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this licensing authority designates the Local Safeguarding Children Board for this purpose.

In common with its practice under the Licensing Act 2003 the other Responsible Authorities are:

- The Councils Licensing Department (as licensing authority);
- The Gambling Commission;
- The Police Licensing Officer;

- Fire Protection Manager;
- The Councils Planning Department (as planning authority);
- The Councils Environmental Health team (environmental protection);
- Hertfordshire Safeguarding Children's Board;
- HM Revenue and Customs.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available from the Council's website www.hertsmere.gov.uk

9. INTERESTED PARTIES

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

“For the purposes of this 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 application 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)”

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:

- Each case will be decided upon its merits and the Council will not apply a rigid rule to its decision-making;
- It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.9 to 8.17.
- It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and where appropriate organisations such as, but not limited to partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected by the application. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. Usually, a letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach their local district councillor to ask them to represent their views, then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department.

10. THE COUNCIL'S FUNCTIONS

The Council, in its capacity as a Licensing Authority, are required under the Act to:

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

It should be noted that licensing authorities are not involved in the licensing of remote gambling this is regulated by the Gambling Commission via Operating Licenses. The National Lottery is regulated by the National Lottery Commission and Spread Betting is regulated by the Financial Services Authority.

The Licensing Authority is aware that the licensing function is only one way of promoting delivery of the 3 licensing objectives and should not therefore be seen as a means of solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with neighbouring authorities, Hertfordshire Police, the Community Safety Partnership, local businesses, local people and those involved in child protection to promote the outlined licensing objectives.

11. EXCHANGE OF INFORMATION

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission. It is also required to include the principles it will apply in exercising its functions under section 350 of the Gambling Act 2005 with respect to the exchange of information between it and other persons listed in Schedule 6 of the Gambling Act 2005.

The principle 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 2018 and General Data Protection Regulations (GDPR) will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

The Council may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its statutory objective of reducing crime in the area.

Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be detailed 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.

12. ENFORCEMENT

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

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities, the regulators code and the Councils enforcement policy. It will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

Hertsmere Borough Council has adopted and implemented a risk-based inspection programme, based on;

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

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

Hertsmere Borough Council also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, Hertsmere Borough Council's enforcement/compliance protocols/written agreements are available upon request.

The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to business to achieve compliance.

Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include project work, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach is to prevent problems from occurring before they begin.

However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing compliance.

The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.

The Service has an enforcement policy under which all of its monitoring and enforcement practices operate. This enforcement policy follows the principles of the Enforcement Concordat. A copy of our Enforcement Policy can be obtained by contacting us.

The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, any licence conditions or codes of practice issued by the Gambling Commission and any conditions attached to the Premises Licence or permit. To achieve this, the Licensing Team will inspect premises, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

PART B - PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

13. GENERAL PRINCIPLES

Considering applications for premises licences is the main business of the licensing authority in terms of local gambling regulation. Where an individual or company uses premises, or causes or permits premises to be used to offer gambling, a premises licence is required. Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated.

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(a) Decision-making

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

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

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos - page 28) and also that unmet demand is not a criterion for a licensing authority.

(b) Definition of "premises"

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

The Gambling Commission states in its Guidance to Licensing Authorities that: *"In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."*

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- Customers should be able to participate in the activity named on the premises licence.

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

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

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

(c) Access to premises

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 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. Under 18s can go into FECs, tracks and some bingo clubs, so access is allowed between these types of premises.

'Direct access' is not defined, but the Licensing Authority may consider that there should be an area separating the premises concerned such as a street or café to which the public attend for purposes other than gambling, for there to be no direct access.

The relevant access provisions for each premises type is as follows and can be found in the Gambling Commissions Guidance 5th Edition 7:23.

Type of premise	Access provisions
Casino	<ul style="list-style-type: none"> • The principle entrance to the premises must be from a ‘street’; • No entrance to a casino must be from premises that are used wholly or mainly by children and / or young persons; • No customer must be able to enter a casino directly from any other premises which holds a gambling premise licence.
AGC	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from any other licenced gambling premise.
Betting shop	<ul style="list-style-type: none"> • Access must be from a ‘street’ or from other premises with a betting premise licence; • No direct access from a betting shop to another premise used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premise.
Track	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from a casino or AGC.
Bingo premise	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from a casino, an AGC or a betting premise, other than a track.
FEC	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from a casino, an AGC or a betting premise, other than a track.

Part 7 of the Gambling Commission’s Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account during the decision-making process.

(d) Premises “ready for gambling”

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

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

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

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

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58 -7.65 of the Guidance.

(e) Location

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

In regard to the Licensing Objectives, it is the Licensing Authorities policy, upon receipt of any relevant representations to look at specific location issues including:

- The possible impact the proximity of a gambling premises may have on any premises that include services to children or young people, i.e. to a school, or vulnerable adult centres in the area;
- The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
- The size of the premises and the nature of the activities taking place;
- Any levels of organised crime in the area;
- In light of the above, any existing over-concentration of premises nearby which are wholly concerned with gambling e.g. betting shop, amusement arcade, casino.

When considering a representation against an application, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.

The information provided may be used to decide whether the council grants the licence, grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its own merits, with the onus on the application to show how the concerns can be overcome.

(f) Planning

In determining applications the licensing authority has a duty to consider all relevant matters and not take into account any matters that are irrelevant as mentioned in the issued guidance.

Paragraph 7.58 of the Gambling Commission Guidance to Licensing Authorities states: *In determining applications the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.*

In addition to the above, this authority notes paragraph 7.65 of the Guidance which states:

'When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control and building regulation powers, and must not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.'

(g) Duplication with other regulatory regimes

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

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

(h) The licensing objectives

When considering an application and granting a premise licence, Licensing Authorities must have regard to the 3 licensing objectives set out in Section 1 of The Gambling Act 2005.

The 3 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.**

This Licensing Authority seeks to assist applicants by setting out the following considerations that will be applied when determining applications under the Act.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

The Licensing Authority will consider whether the premises make, or are likely to make, a contribution to the levels of crime and disorder in an area and whether the applicant has demonstrated that they have or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.

Where an area is known for high levels of crime (particularly crime associated with premises used for gambling), the Licensing Authority will consider whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.

The Licensing Authority may consider, when making decisions on applications for Premises Licences, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.

The Licensing Authority notes there is no definition of the term 'disorder' in the Act or the explanatory notes to the Act. The Gambling Commission's Guidance to Licensing Authorities states 'disorder is intended to mean activity that is more serious and disruptive than mere nuisance'.

In view of the above the Licensing Authority considers it is reasonable for the term 'disorder' to also include anti-social behaviour. Such anti-social behaviour includes patrons of gambling premises gathering outside premises or nearby and causing disruption, disturbance, intimidation (or fear of intimidation) and obstruction of the highway.

The Licensing Authority will consider whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.

The Licensing Authority will consider whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

Ensuring that gambling is conducted in a fair and open way

This Licensing Authority has noted that the Gambling Commission has stated it would not expect Licensing Authorities to find themselves dealing with issues of fairness and openness frequently as this will be addressed by the commission via operating and personal licences.

The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator's licence. Track owners do not necessarily require an operator's licence and any application made by such an unlicensed operator will be scrutinised to ensure that this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may also wish to impose conditions to ensure that the environment in which betting takes place is suitable.

For all gambling premises the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

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

This authority has noted the Gambling Commission's guidance that this objective means preventing children and vulnerable persons taking part in gambling including inviting, causing, permitting, or allowing them to enter certain gambling premises. It also places restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children. Due to this, this authority will consider whether specific measures are required at particular premises such as supervision of entrances / machines, segregations of areas etc.

The Licensing Authority will consider the following when taking this licensing objective into account:

- whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
- if the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme to ensure no one under the age of 18 is admitted to the premises or restricted areas;
- whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
- whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
- whether any promotional material associated with the premises could encourage the use of the premises by children or young people;
- whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems.

The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance defines the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to 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 due to a mental impairment, alcohol or drugs.

(i) Local Risk Assessment

The Licensing Authority expects applicants to have a good understanding of the area in which they either operate, or intend to operate. The commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in January 2018 and were effective from April 2018 state that licensees must assess the local risks to the licensing objectives posed by the gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks. In making these risk assessments licensees must take in to account relevant matters identified within the council's statement of licensing policy.

Licensees must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstances, including those identified within 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 premise licence; and
- d) in any case, undertake a local risk assessment when applying for a new licence.

Licensees are expected to share their risk assessment with licensing authorities when applying for a premise licence or applying for a variation to existing licence premises, or otherwise on request.

A copy of the risk assessment should be kept in the individual premises and be available for inspection at all times by any authorised person.

The code requires the licensing authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this licensing authority would recommend that the following matters are considered by operators when making their risk assessment.

- Information held by licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises 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 activities, etc.

This Authority recommends that the following factors are considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc;
- Any premises where children congregate including bus stops, café's, shops and any other places where children are attracted;
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti/ tagging, underage drinking etc;
- Recorded incidents of attempted underage gambling.

Matters relating to vulnerable adults, including;

- Information held by licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises why may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

Other issues that may be considered could include:

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other places of worship.
- 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;
- Details as to the location and coverage of working CCTV and how the system will be monitored;
- The layout of the premises so that staff have an unobstructed view of persons using the premises;
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is

- absent from the licensed area or distracted from supervising the premises and observing those persons using the premises;
- 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 be provided;
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

This list is not exhaustive and other factors not in his list that are not identified must be taken into consideration.

(j) Licence Conditions

The Act provides that licenses may be subject to conditions. These conditions may be general in nature attaching to all licenses or all licenses of a particular class or they may be specific to a particular licence.

These conditions may be attached in a number of ways and include:

- automatically , having been set out on the face of the Act;
- through regulations made by the Secretary of State;
- by operating and personal licenses issued by the Commission;
- being attached to premise licenses by licensing authorities.

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, and/or related to the area where the premises is based
- fairly and reasonably related to the scale, type and location of premises;
- consistent with the licensing objectives and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include:

- the supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children; and
- the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises where children are permitted:

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

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

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

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

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

(k) Door Supervisors

The Gambling Commission Guidance advises that if a licensing authority is concerned that a premises may attract disorder or be subjected to attempts at unauthorised access, for example by children and young persons, then it may require that the entrances to the premises are controlled by a door supervisor. The licensing authority is able to impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per part 33 of the guidance).

(I) Safeguarding against Child Sexual exploitation (CSE)

The safeguarding of children and young people should be considered in its widest sense. The protection of children from harm requires children and young people to be protected from physical, psychological and moral harm. This includes the issues of the risk of child sex exploitation, vulnerability and anti-social behaviour not just in licensed premises as children are not permitted access to most gambling premises but around licensed premises.

The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in the operating schedule.

Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:

- awareness training for staff;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police.

The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:

- developing relationships between a child and an older person;
- children in the company of a group of older persons;
- children regularly attending premises and meeting with a number of different older persons, particularly where older persons may be facilitating gambling for children;
- children outside of licensed premises developing relationships with an older person, particularly an older person facilitating gambling for children;
- children leaving the locality of the premises with older persons, particularly with a group of older persons;
- children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons.

Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

Applicants are encouraged to visit The Hertfordshire Safeguarding Children Board (HSCB) website for advice on this subject. www.hertssafeguarding.org.uk

14. PREMISES LICENCES

Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required and which is premise based, must apply to the Licensing Authority for a premise licence.

Premises licenses can authorise the provision of facilities on:

- Adult gaming centre premises;
- Family entertainment centre premises;
- Casino premises;
- Bingo premises;
- Betting premises including tracks and premises used by betting intermediaries.

For each of the premises types the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.

15. ADULT GAMING CENTRES (AGCs)

AGC premise Licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. They are permitted to make available for use on the premises a number of Category B, C and D gaming machines. (section 39 shows the permitted number of gaming machines by premise type.

Gaming machines are a form of gambling which is attractive to children and AGCs will contain machines of a similar format to the category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGCs to minimise the opportunities for children to gain access.

Because gaming machines provide opportunities for solitary play and immediate pay-outs, they are more likely to provoke repetitive and excessive play. In considering Premises Licences for AGC's 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, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises and there is no consumption or sales of alcohol.

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

16. (LICENSED) FAMILY ENTERTAINMENT CENTRES (FEC)

The Act created 2 classes of family entertainment centres (FEC). Licensed FECs and unlicensed FECs. This section looks at licensed FECs and unlicensed FECS will be looked at in section 28.

Persons operating a licensed FEC must hold a 'gaming machine general operating licence (Family Entertainment Centre)' issued by the gambling commission and a premise licence from the relevant licensing authority. This allowing category C (over 18s only) and category D (under 18s permitted to play) gaming machines to be made available.

FEC's are commonly found at seaside resorts, airports and at motorway service stations and cater for families, including unaccompanied children and young persons. These type of premises usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.

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

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

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

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

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

17. CASINOS

Under the provisions of Section 166 of the Gambling Act 2005 an authority may resolve not to issue casino premises licences. This licensing authority has made no such resolution. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

18. BINGO PREMISES

Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed. Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling.

Bingo premises are permitted make available an unlimited number of category C and D gaming machines and a number of category B machines which must not exceed 20% of the total number of gaming

machines on the premise. To avoid a situation where a premise holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo can be played in any premises for which a Premises Licence is issued. Particular consideration will be given when the operator of an existing bingo premises applies to vary the Premises Licence to exclude an area of the existing premises and then applies for a new licence for the excluded area.

Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff.

19. BETTING PREMISES

Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however, within this single class, there are different types of premises which require licensing such as High Street bookmakers, bookmakers located in self-contained facilities at race courses as well as the general betting premises licences that track operators will require.

Children and young persons are not permitted to enter premises with a betting premises licence, although exemptions apply to tracks which are looked at in section 21. The Act sets out offences of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling. Children and young persons are not allowed to be employed at premises with a betting premises licence.

Gaming machines-

Holders of a betting premises licence may make available for use up to 4 gaming machines of category B, C or D and any number of betting machines.

Betting machines

The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. These machines are known as Self-Service Betting Terminals (SSBTs). Betting premises may make available machines that accept bets on live events such as horseracing, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process, which can be conducted in person and the Act exempts them from regulation as a gaming machine. There is an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

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

20. CREDIT/ATMs

Section 177 of the Act requires, in relation to casino and bingo premises licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with the provision of credit.

Section 177 does not, however, prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. 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 with the machine provider in relation to gambling (aside from the agreement to site the machines) and does not profit from the arrangement, nor make any payment in connection with the machines. These machines must be sited in such a position that people playing any gambling machine has to move away from the machine in order to withdraw cash from the ATM

21. TRACKS

Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

The offence of inviting or permitting a child or young person to enter gambling premises under section 47 of the Act, does not apply to tracks. Children and young persons are allowed to be present on the track while a sporting event is taking place on those licensed premises. But are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

Gaming machines -

A track premises licence does not itself entitle the holder to provide gaming machines, as this type of premise licence can be held without any corresponding operating licence. However, by virtue of section 172(9) of the Act, track owners holding both a track premises licence and a pool betting operating licence issued by the commission may site up to 4 gaming machines within categories B2 to D on the track. Machines (other than category D machines) should be located in areas from which children are excluded.

Self-Service Betting Terminals (SSBTs) –

Licensed operators may install SSBTs on tracks. There is no restriction on the number of SSBTs that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by those under 18 years of age.

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

22. APPLICATIONS AND PLANS

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:

- The extent of the boundary or perimeter of the premises;
- Where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- Where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises;
- Where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises
- The location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.

The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives, Gambling Commission Guidance, Codes of Practice or its own Statement of Licensing Policy. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to discharge its duties effectively.

If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

23. GENERAL REQUIREMENTS FOR ALL PREMISES

The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons and persons who may become aggressive.

Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.

Arrangements must be made for how staff will deal with customers who become aggressive and ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.

Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.

Where access to premises is age restricted, the Licensing Authority expects applicants to have a Challenge 21 or 25 policies in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.

All applicants should keep an Incident Book in which details are recorded of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been excluded by the operator, and any crime or disorder that occurs on, or in association with, the licensed premises.

Applicants should demonstrate how they will identify self-excluded persons.

24. TRAVELLING FAIRS

The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.

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

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

25. PROVISIONAL STATEMENTS

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

Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

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

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

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

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

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

26. REVIEWS

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and

- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

General objections to gambling as an activity are not likely to be considered relevant reasons for review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason, which it thinks is appropriate.

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

The licensing authority must carry out the review as soon as possible after the 28-day period for making representations has passed.

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

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

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

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

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

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

PART C - PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

27. PERMITS

Permits regulate gambling and the use of gaming machines in premises which do not hold a premise licence. They are required when a premise provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The council is responsible for issuing the following permits:

- Unlicensed family entertainment centre gaming machine permits;
- Alcohol-licensed premises gaming machine permits;
- Prize gaming permits;
- Club gaming permits and club machine permits.

The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. The council will therefore consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

28. UNLICENSED FAMILY ENTERTAINMENT CENTRE (FEC) GAMING MACHINE PERMITS

This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres (uFECs). These types of premises offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions; these premises will particularly appeal to children and young persons. Therefore the council will give particular weight to matters relating to child protection issues.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act) as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.9)

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

29. STATEMENT OF PRINCIPLES

The Council will expect applicants 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:

- measures/training for staff in relation to suspected truant school children on the premises;
- Measures/ training covering how staff would deal with unsupervised very young children being on the premises;
- Measures / training covering how staff would deal with children causing perceived problems on or around the premises;
- Measures/ training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

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;
- An awareness of local school holiday times and how to notify the local education office should truants be identified.

This Licensing Authority will accept evidence of compliance with the Code of Practice for FECs issued by the British Amusement Catering Trade Association (BACTA) as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above requirements.

Applicants must submit with their application two copies of plans of the premises, ideally 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.

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.

30. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

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 holder of the on-premise licence under the Licensing Act 2003 must notify the Licensing Authority of their intention to make the gaming machines available for use and must pay the prescribed fee.

Under section 284 of the 2005 Act 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.

Should it be necessary to issue a 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.

If a premises wishes to have 3 or more category C or D gaming machines, the licence holder must apply to the Licensing Authority for a permit. The Licensing Authority will consider applications based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 and "such matters as they think relevant".

This 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 being harmed or being exploited by gambling and we will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children/young people under 18 years of age do not have access to the adult-only gaming machines. This authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:

- the adult machines being in sight of the bar;
- The adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18 years of age;
- Notices and signage present by machines;
- The provision of information leaflets/helpline numbers for such organisations as GamCare.

A plan must accompany applications indicating where and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.

If the Licensing Authority are not satisfied that appropriate measures have been taken by the applicant to comply with this policy the Licensing Authority will refuse to grant the permit, or it may vary the number or category of gaming machine authorised by the permit.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.

The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- It would not be reasonable consistent with pursuit of the licensing objectives for the permit to continue to have effect;

- Gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit;
- The premises are mainly used or to be used for making gaming machines available; or
- An offence under the Gambling Act 2005 has been committed on the premises.

Before the council cancels or varies a permit it will give the permit holder 21 days notice of its intention and allow them the opportunity to make a representation. If the permit holder requests a hearing the Council will arrange a Licensing Sub-Committee hearing to consider the permit holders representation and any other evidence available before making its decision.

This Licensing Authority recognises that some alcohol - licensed premises may apply for a Premises Licence for their non-alcohol licensed areas e.g. hotels. It is likely that any such application would need to be made and dealt with as an Adult Gaming Centre premises licence.

31. ADMINISTRATIVE MATTERS

Notifications and applications for 'up to six machines' will generally be dealt with by licensing authority officers. Those for 'seven and eight machines' will be determined by officers in consultation with the Chair of the Licensing Committee who will in turn consult with the ward councillor before making a decision. Applications for in 'excess of eight machines' will be referred to a Licensing Sub-Committee.

32. PRIZE GAMING PERMITS

This policy applies to applications for, or renewals of prize gaming permits. Gaming is 'prize gaming' if 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. Normally the prizes are determined by the operator before play commences.

Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and un-licensed family entertainment centres and travelling fairs.

Given that prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- That the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

The Licensing Authority will only grant a permit after consultation with the chief officer of police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location and issues about disorder.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by 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.

33. CLUB GAMING AND CLUB MACHINES PERMITS

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit or a Club Machine Permit. Commercial clubs may apply for a club machine permit. The Club Gaming Permit allows the premises to provide:

- Up to three machines of categories B3A, C or D.
- Equal chance gaming.
- Games of chance as set out in regulations.

A Club Machine Permit will enable the premises to provide up to three gaming machines of categories B3A, B4, C or D.

This Licensing Authority will wish to be satisfied that the club meet the following criteria to be considered a members' club:

- It must have at least 25 members;
- It must be established and conducted "wholly or mainly" for purposes other than gaming (unless gaming is permitted by separate regulations);
- It must be permanent in nature;
- It must not be established to make a commercial profit;
- It must be controlled by members equally.

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

The Gambling Commission's Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a members or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- The applicant's premises are used wholly or mainly by children and/or young persons;
- An offence under the Act or a breach of permit has been committed by the applicant while providing gaming facilities;

- A permit held by the applicant has been cancelled in the previous 10 years; or
- An objection has been lodged by the Gambling Commission or the Police.

Clubs, which hold a Club Premises Certificate under the Licensing Act 2003, are entitled to benefit from a 'fast-track' application procedure. Under this procedure there is no opportunity for objections to be made by the Gambling Commission or the Police and the grounds upon which a Licensing Authority can refuse a permit are reduced. Grounds for refusal are:

- That the club is established primarily for gaming other than gaming prescribed under Schedule 12 of the Act;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last 10 years has been cancelled.

There are statutory conditions on Club Gaming Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

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 applying for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
- Is there a list of Committee members and evidence of their election by the club members?

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 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;
- Whether 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.

34. SMALL SOCIETY LOTTERIES

Under the gambling Act 2005, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. Hertsmere Borough Council will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:

- Licensed lotteries (requiring an operating licence from the Gambling Commission);
- Exempt lotteries (including small society lotteries registered with Hertsmere Borough Council)

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lottery;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website:

http://www.gamblingcommission.gov.uk/gambling_sectors/lotteries.aspx

Applicants for registration of small society lotteries must apply to the licensing authority in the areas in which their principal office is located. The Council will not register a lottery where the principal office is not located with Hertsmere.

Lotteries will be regulated through a licensing and registration scheme with conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance issued by the Gambling Commission. In exercising its functions with regard to small society lotteries and exempt lotteries, the Council will have due regard to the Commissioner's Guidance.

The Council may refuse an application for a small society lottery registration, if in their opinion:

- The applicant is not a non-commercial society;
- A person who will or may be connected with the promotion of the lottery, has been convicted of a relevant offence as defined in Section 353 of the Act;
- Information provided in or with the application for registration is false or misleading.

In assessing whether or not a society meets the requirement of being non-commercial, the Council will have regard to the non-submission of annual lottery returns as part of the renewal process. Failure to submit a return may be considered as evidence that the society does not meet the criteria.

Charities and community groups should contact this Licensing Authority to seek further advice and can be contacted at licensing@hertsmere.gov.uk or by calling 020 8207 2277

35. TEMPORARY USE NOTICES

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

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) sets out restrictions on the types of gambling to be offered under a Temporary Use Notice.

These restrictions are:

- It can only be used to offer gambling of a form authorised by the operator's operating licence and consideration should therefore be given as to whether the form of gambling being offered on the premise will be remote, non-remote, or both;
- Gambling under a Temporary Use Notice may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises;
- It can only be used to permit the provision of facilities for equal chance gaming and where the gaming in each tournament is intended to produce a single overall winner. e.g. poker tournaments;
- Gaming machines may not be made available under a Temporary Use Notice.

The Licensing Authority, in considering application for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modification to the Temporary Use Notice. In doing so the Licensing Authority will consider:

- The suitability of the premises;
- The location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
- The CCTV coverage within the premises;
- The ability of the premises to provide sufficient staff and / or licensed door supervisors for the notice period;

- Whether the premises or holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the commission, the relevant code of practice or this statement of principles.

36. OCCASIONAL USE NOTICES

The Licensing Authority has very little discretion with regards to Occasional Use Notices to accept bets at 'tracks', aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will however consider the definition of a 'track' and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the 'track' or is an occupier, and therefore permitted to avail themselves of the notice.

It should be noted the definition of track in the Act is wider than dog tracks and horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Hertsmere. If notices are given for a single track which would permit betting to occur for more than 8 days per year the Council has an obligation to issue a counter notice preventing such a breach occurring.

37. SUMMARY OF SOME TERMS UNDER THE GAMBLING ACT 2005

These pages are not part of the statement of principles, as the definitions will be defined nationally, but are included in this document to assist the reader. This document should be read in conjunction with the Gambling Act 2005 and Gambling Commission Guidance to Licensing Authorities.

38. RESPONSIBLE AUTHORITIES

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 2005 Act defines those authorities as:

- The Gambling Commission
- The Police
- The Fire Service
- The Local Planning Authority
- Environmental Health
- Hertfordshire County Council Children Schools and Families Dept, Local Safeguarding Children Board.
- HM Revenue and Customs
- A Licensing Authority in whose area the premises are situated (that is, the Council itself and also any adjoining Council where premises straddle the boundaries between the two)

39. CATEGORIES OF GAMING MACHINE

Please be advised that the Government is currently reviewing the maximum stakes permitted for Fixed Odds Betting Terminals (FOBTs). You are advised to visit the Gambling Commissions website (www.gamblingcommission.gov.uk) for the most up to date information on the categories of gaming machines and their maximum stakes and prizes.

40. NUMBER OF GAMING MACHINES BY PREMISES TYPE

Type of Authorisation	Machine Categories Permitted						
	A	B1	B2	B3	B4	C	D
Large Casino (machine/ table ratio of 5-1 up to maximum)	x	Maximum of 150 machines. Any combination of machines in Categories B to D (except B3A machines), within the total limit of 150 (subject to a machine/ table ratio)					
Small Casino (machine/ table ratio of 2-1 up to a maximum)	x	Maximum of 80 machines. Any combination of machines from Categories B to D (except B3A machines), within the total limit of 80 (subject to a machine/table ratio)					
Pre-2005 Act Casino (no machine/ table ratio)	x	Maximum of 20 machines categories B to D (except B3A machines), or any number of C and D machines instead					
Bingo Premises ¹	x	x	x	*maximum of 20% of total number of gaming machines which are available for use on the premises categories B3 or B4		Unlimited on category C or D machines	
Betting Premises	x	x	Maximum of 4 machines categories B2 to D (except B3A machines)				
Betting (track)	x	x	As Betting above but only if the licence-holder also holds a Pool Betting Operating Licence				
Adult Gaming Centre ²	x	x	x	* maximum 20% of total number of gaming machines which are available for use on the premises categories B3 or B4		Unlimited on category C or D machines	
Family Entertainment Centre ³	x	x	x	x	x	Unlimited on category C or D machines	
Family Entertainment Centre with Gaming Machine Permit ³	x	x	x	x	x	x	Unlimited on category D machines
Clubs or miners' welfare institutions (with permits) ⁴	x	x	x	Maximum of 3 machines in categories B3A or B4 to D Members clubs - from Cat. B3a to D Commercial clubs – from Cat. B4 to D			
Alcohol-licensed premises Automatic entitlement	x	x	x	x	x	1 or 2 machines of category C or D automatic upon L.A. notification	
Alcohol-licensed premises Gaming Machine Permit	x	x	x	x	x	Number of category C-D machines as specified on permit	
Travelling funfair (no authorisation required)	x	x	x	x	x	x	Unlimited on category D machines

¹ Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight (The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009) category B gaming machines, or 20% of the total number of gaming

machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

² Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

³ Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

⁴ Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

⁵ Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

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

Chris Gascoine, Chief Environmental Health Officer

**Hertsmere Borough Council,
Civic Offices,
Elstree Way,
Borehamwood,
Herts.,
WD6 1WA**

licensing.services@hertsmere.gov.uk

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

APPENDIX A

LIST OF THOSE PERSONS/ORGANISATIONS CONSULTED WITH

RESPONSIBLE AUTHORITIES:

- Gambling Commission
- Chief of Police, Hertfordshire Constabulary
- Hertfordshire Fire and Rescue Service
- Planning, HBC
- Environmental Health, HBC
- Hertfordshire County Council Local Safeguarding Children Board
- HM Revenue and Customs

ELECTED REPRESENTATIVES:

- HBC Councillors
- Elstree and Borehamwood Town Council
- Aldenham Parish Council
- Shenley Parish Council
- South Mimms Parish Council

STAKEHOLDERS:

- All Gambling Act 2003 premises licence holders
- Permit holders, licensees of premises licenced under Licensing Act 2003 to sell alcohol for consumption on the premises (without a requirement that alcohol is served only with food)
- "Small society lottery" societies registered with HBC

INTERESTED PARTIES:

- Hertsmere Forum of Faiths
- Community Action Hertsmere
- Doctors/Clinical Commission Group
- Public Health HCC
- Bingo Association
- Gamcare
- Neighbouring local authorities
- Legal Services
- BACTA (British Amusement Catering Trade Association)
- Elstree and Borehamwood Town Council Youth Council

AGENCIES/ORGANISATIONS SERVING YOUNG/VULNERABLE PEOPLE IN HERTSMERE

- Child UK
- Aldenham Parish Council Youth Council
- School Partnership Officer
- Housing associations servicing Hertsmere
- Community Action Hertsmere
- Princes Trust
- Youth Connexions
- Hertsmere Leisure
- Pro-Action
- Signpost counselling

LIBRARIES

- 96 Shenley Road, Borehamwood
- Bushey
- Oakmere (Potters Bar)
- Radlett