



## Licensing Committee

**Monday 2 July 2018 at 6.00 pm**

Boardrooms 7 & 8, 3rd Floor, Brent Civic Centre

### Membership:

#### Members

Councillors:

Ahmed (Chair)

Allie (Vice-Chair)

Chohan

Hector

Kennelly

Long

Maurice

McLeish

W Mitchell Murray

RS Patel

**For further information contact:** Devbai Bhanji, Governance Assistant  
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**The press and public are welcome to attend this meeting**

### **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
  - To which you are appointed by the council;
  - which exercises functions of a public nature;
  - which is directed is to charitable purposes;
  - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

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<b>1</b>	<b>Apologies for absence</b>	
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<b>2</b>	<b>Declarations of interests</b>	
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Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

<b>3</b>	<b>Minutes of the previous meeting</b>	<b>1 - 4</b>
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To approve the minutes of the previous meeting as a correct record.

<b>4</b>	<b>Review of the Council's Gambling Licence</b>	<b>5 - 106</b>
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To receive the report from the Strategic Director of Regeneration & Environment seeking approval to consult on a new Statement of Gambling Principles

**Date of the next meeting: As required**



- Please remember to ***SWITCH OFF*** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE LICENSING COMMITTEE

Tuesday 22 May 2018 at 6.00 pm

PRESENT: Councillor Ahmed (Chair), Councillor Allie (Vice-Chair), Chohan, RS Patel, Kennelly, Hector, Long, W Mitchell Murray and Maurice.

Also Present: Councillors Dar, Hylton & Sangani.

1. **Apologies for absence and clarification of alternate members**

No apologies were received

2. **Declarations of interests**

There were no declarations of interest.

3. **Minutes of the previous meeting**

**RESOLVED** that the minutes of the previous meeting, held on 6 November 2017, were approved as an accurate record of the meeting.

4. **Sub-Committee Appointments and Decision-making Arrangements**

The Committee received a report from the Director of Legal and HR Services detailing changes agreed at the Annual Council meeting on 14 May 2018 to the remit of the Licensing Committee.

The Committee noted:

1. The extension to the remit of the main Licensing Committee. Whilst the Committee would continue to act as the Council's statutory licensing committee in terms of discharging functions under the Licensing Act 2003 and the Gambling Act 2005 it would now, in addition, exercise the Council's other (non-executive) licensing and registration functions. These additional functions had previously been the responsibility of the General Purposes Committee, which had now meant the Committee was now classified as an ordinary committee of the Council.
2. As part of the wider changes following on from 1. above, the Committee was being asked to consider:
  - a. the establishment of a single three Member sub-committee called the 'Alcohol and Entertainment Licensing Sub-Committee' to consider and determine applications and other matters that could not be determined by officers under the Licensing Act 2003 and Gambling Act 2005, as detailed within sections 3.7 & 3.8 of the report; and

- b. the establishment of a Regulatory Sub Committee, as detailed within section 3.9 of the report to discharge the licensing and registration functions that did not relate to the Licensing Act 2003 or the Gambling Act 2005.
3. The requirement, as detailed within sections 3.11 – 3.20 of the report, for the Committee to review and determine the representation of political groups on any of its Sub-Committees established and to make appointments in accordance with the wishes of the political groups concerned. Whilst there would be no requirement to apply the political balance rules to the Alcohol and Entertainment Licensing Sub-Committee they would apply in relation to the Regulatory Sub Committee.

Having considered the proposals detailed within the report, the Committee **RESOLVED**

- (1) To approve the establishment of a single Alcohol and Entertainment Licensing Sub Committee and Regulatory Sub Committee, on the basis set out in sections 3.7 – 3.9 of the report.
- (2) To agree the allocation of seats to political groups on the Regulatory Sub Committee, in accordance with the political balance rules, as detailed within section 3.19 of the report (4 Labour: 1 Conservative); and
- (3) To make the following appointments to each of its Sub Committees:

**ALCOHOL AND ENTERTAINMENT SUB-COMMITTEE**

AHMED (C)	LABOUR
ALLIE	LABOUR
CHOHAN	LABOUR

**SUBSTITUTE MEMBERS:**

HECTOR, KENNELLY, LONG, MAURICE, MCLEISH, R PATEL, W MITCHELL MURRAY

**REGULATORY SUB-COMMITTEE**

AHMED (C)	LABOUR
ALLIE	LABOUR
CHOHAN	LABOUR
LONG	LABOUR
MAURICE	CONSERVATIVE

**SUBSTITUTE MEMBERS:**

HECTOR, KENNELLY, MCLEISH, R PATEL, W MITCHELL MURRAY


The meeting closed at 6.15 pm

COUNCILLOR AHMED

Chair

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	<b>Licensing Committee</b> 2 July 2018
	<b>Report from the Strategic Director of Regeneration &amp; Environment</b>
<b>Draft Statement of Gambling Principles</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	
<b>No. of Appendices:</b>	1
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Yogini Patel, Senior Regulatory Service Manager

## 1.0 Purpose of the Report

- 1.1 The London Borough of Brent is a licensing authority under the Gambling Act 2005 (the Act). Section 349 of the Act requires licensing authorities to prepare and publish every three years a Statement of Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough. The Act also requires licensing authorities to keep the Statement under review from time to time.

## 2.0 Recommendation(s)

That the Committee:

- 2.1 note the intention to consult on a new Statement of Gambling Principles; and
- 2.2 Comment on the draft Statement of Gambling Principles (31 January 2019 – 30 January 2022) at Appendix 1 prior to the 12 week consultation being undertaken.

## 3.0 Detail

- 3.1 The Gambling Act 2005 came into force in 2007, at which point Brent Council, as a *Licensing Authority*, became responsible for the licensing of gambling premises and specified gambling activities. These include betting premises including tracks and premises used by betting intermediaries (a person who provides a service designed to facilitate the making or acceptance of bets between others), adult gaming centres (AGCs), Family entertainment Centres

(FECs), regulating gaming and gaming machines in alcohol licenced premises, granting permits for prize gaming, registering small society lotteries etc.

- 3.2 To facilitate this function Licensing Authorities are required to publish a Statement of Principles to apply whilst regulating gambling. This must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act.
- 3.3 The aim of the Statement of Principles is to:
- Set expectations on how gambling will be regulated in the local area
  - Set out how the authority intends to support responsible operators and take effective actions against irresponsible operators by granting, refusing or attaching conditions to premises licences
  - Support licensing decisions that may be challenged in a court of law
  - Reinforce to elected members on the Licensing Committee, the powers available to the authority as the licensing authority.
- 3.4 When preparing a Statement of Principles, licensing authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance. Any licensing authority departing from the guidance should have strong and defensible reasons for doing so as to avoid the potential risks and costs that would arise from any Judicial Review.
- 3.5 The Statement of Principles must have regard to, and be consistent, with the Act's three objectives:
- 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
- 3.6 However, Licensing Authorities cannot consider matters relating to:
- **moral objections to gambling.** Gambling is a lawful activity and objections cannot be considered on these grounds alone;
  - **planning status of premises.** A gambling licence application must be considered independently of any requirement for planning consent; and
  - **demand.** The fact that there may already be sufficient gambling premises within an area to meet existing demand cannot of itself be considered when considering a new licence application.
- 3.7 Brent Council published its first Statement of Principles in January 2007, and then in January 2011 and 2016.
- 3.8 A draft Statement of Gambling Principles is attached at Appendix A.
- 3.9 The draft statement takes account of the Gambling Commission's Guidance and relevant codes of practice.

- 3.11 If any minor amendments to the Statement of Principles are required before it is published for consultation, these will be undertaken by the Strategic Director Regeneration & Environment

#### **4.0 Financial Implications**

- 4.1 None specific

#### **5.0 Legal Implications**

- 5.1 Preparing a Statement of Gambling Principles is a shared function of the council. Following the statutory consultation exercise, Cabinet will consider the responses and finalise the proposed changes. Subsequently, Cabinet's proposals will be considered and adopted by Full Council.
- 5.2 In accordance with section 349 of the Act and regulations made under the Act, after adoption, the Council must publish its new Statement for a period of four weeks prior to its coming into effect on the Council's website and make it available for public inspection. The Council must also advertise the fact that the Statement is to be published by publishing a notice on its website, and in a local newspaper and/or a public notice board in or near the Council's offices and/or at a public library in the Borough. The Council's new Statement will come into force on 31 January 2019.

#### **6.0 Equality Implications**

- 6.1 Section 2.8 of the draft Statement of Principles deals with equality matters.
- 6.2 An equality impact assessment is being conducted and will be

#### **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 All the responsible authorities, Councillors, Director of Public Health, premises licence holders and residents will be consulted before the Statement of Principles is finalised.

#### **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 None specific

#### **Background papers**

None

#### **Contact Officers**

Yogini Patel

#### **Report sign off:**

**Amar Dave**  
Strategic Director Regeneration & Environment

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# **Draft Statement of Gambling Principles**

**2019 – 2022**

**Under Section 349 Gambling Act 2005**

## Executive summary

Brent Council has been responsible for licensing gambling premises since 2007 and this is the fifth edition of our Statement of Principles for gambling. As a licensing authority, we work in partnership with the Gambling Commission and other agencies to regulate gambling in the Borough.

The Gambling Commission tends to focus on gambling operators and issues of national or regional importance whereas Brent is responsible for regulating gambling premises, permits, notices and registrations that take place in our borough.

This policy has been reviewed taking into consideration our local area profile to allow us to remain responsive to our local environment and to identify current and emerging risks of gambling-related harm in Brent. The changes made will allow this authority to undertake evidence-based decisions based on relevant information to address local gambling issues that may affect Brent.

Gambling related harm is recognised as a 'co-morbidity' (i.e. one of a range of conditions existing in an individual that exacerbates pre-existing conditions and contributes toward a reduced life expectancy). It is often observed in people who suffer from poor mental health, stress or anxiety, substance misuse and by those in financial difficulties.

An estimate provided by the Campaign for Fairer Gambling suggests that £96,334,680 was spent in the borough's B2 machines in 2016<sup>1</sup>. The cost to society (i.e. the excess fiscal costs caused by people who are problem gamblers beyond that are normally incurred otherwise by members of the public) are felt through health, housing and homelessness, unemployment and imprisonment. Using the 2012 Health Survey for England as a basis the total excess costs in Brent exceed £2 million.

This Statement sets out our expectations of operators of gambling premises with clear reference to the local area profile, which is an assessment of the key characteristics of Brent in the context of gambling-related harm. As a licensing Authority we will continue to identify current and emerging risks in order to address the issues identified by keeping this Statement of Principles under review. The Council supports the recent Government proposals to reduce the maximum stakes for fixed odds betting terminals for category B2 machines to £2 and other measures regarding allocations of gaming machines and social responsibility measures to minimise the risk of gambling-related harm.

This Statement of Principles should be read in conjunction with the 2005 Act, its Regulations and the latest edition of the Gambling Commission's Guidance to Local Authorities.

The revisions made in this Statement and the creation of our local area profile will ensure that responsible gambling premises can continue to operate and provide a valued leisure activity whilst at the same time, we have the tools available to address problems at gambling premises if they do occur as well as protect vulnerable people from harm or exploitation by gambling.

In summary the Council recognises the contribution made by the gambling industry to the economy but it needs to ensure that sufficient measures are put in place to protect players, children and vulnerable groups.

DRAFT

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<sup>i</sup> [www.stopthefobts.org/](http://www.stopthefobts.org/) Based on estimate of 97 betting shops and 350 machines

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## Statement of Principles for Gambling 2019-2012

### 1. Introduction

#### 1.1 About Brent Council – General

- 1.1.1 Brent is located in North West London and covers an area of approximately 4,325 hectares. It is crossed by two of the main arterial routes into London and is divided by the North Circular Road. Brent adjoins seven other London Boroughs which includes, Harrow, Camden, Ealing, Barnet, Westminster, Kensington & Chelsea and Hammersmith. Brent is an outer London Borough with many 'inner' London characteristics. Its boundaries adjoins four of the capital's 14 Inner Boroughs.
- 1.1.2 Brent has a population of 319,000 which is an increase of 19% on the 2001 census. The borough can be broadly characterised as more affluent in the north and generally more deprived in the south, reflecting its origins as the former boroughs of Willesden and Wembley, which were combined to become the London Borough of Brent. A map of the borough showing the main transport routes can be found in Figure 1 below.
- 1.1.3 Brent's population is a young one with 40% of residents being under the age of 30 and 25% under 19 years of age. There are significant regeneration projects underway in Brent: in Park Royal - Europe's largest industrial estate - situated in the southwest of the borough, Wembley, home of the National Stadium and Alperton. The land surrounding the National Stadium is the subject of ambitious development plans and is increasingly an exciting destination for living and entertainment, with new restaurants, bars, cinemas, shops and the Wembley Arena with Public Square.
- 1.1.4 However, there are still significant parts of southern Brent that remain chronically deprived with many people effectively excluded from the more affluent mainstream. Even the traditionally more wealthy areas of north Brent have pockets of disadvantage and may be at risk of decline.
- 1.1.5 Brent is a multi-ethnic and multicultural borough as Brent has the 2nd largest proportion of black, Asian and minority ethnic (BAME) people in England and Wales, and 44.9% of Brent's population were born in the UK and 65.0% have a UK passport. Brent also has high levels of poverty. In 2014, the median income in Brent was £31,601. Within London, Brent ranks as the 6th lowest borough in terms of median household income, and there is a wide variation between wards in the borough.

#### 1.2 Borough

Map

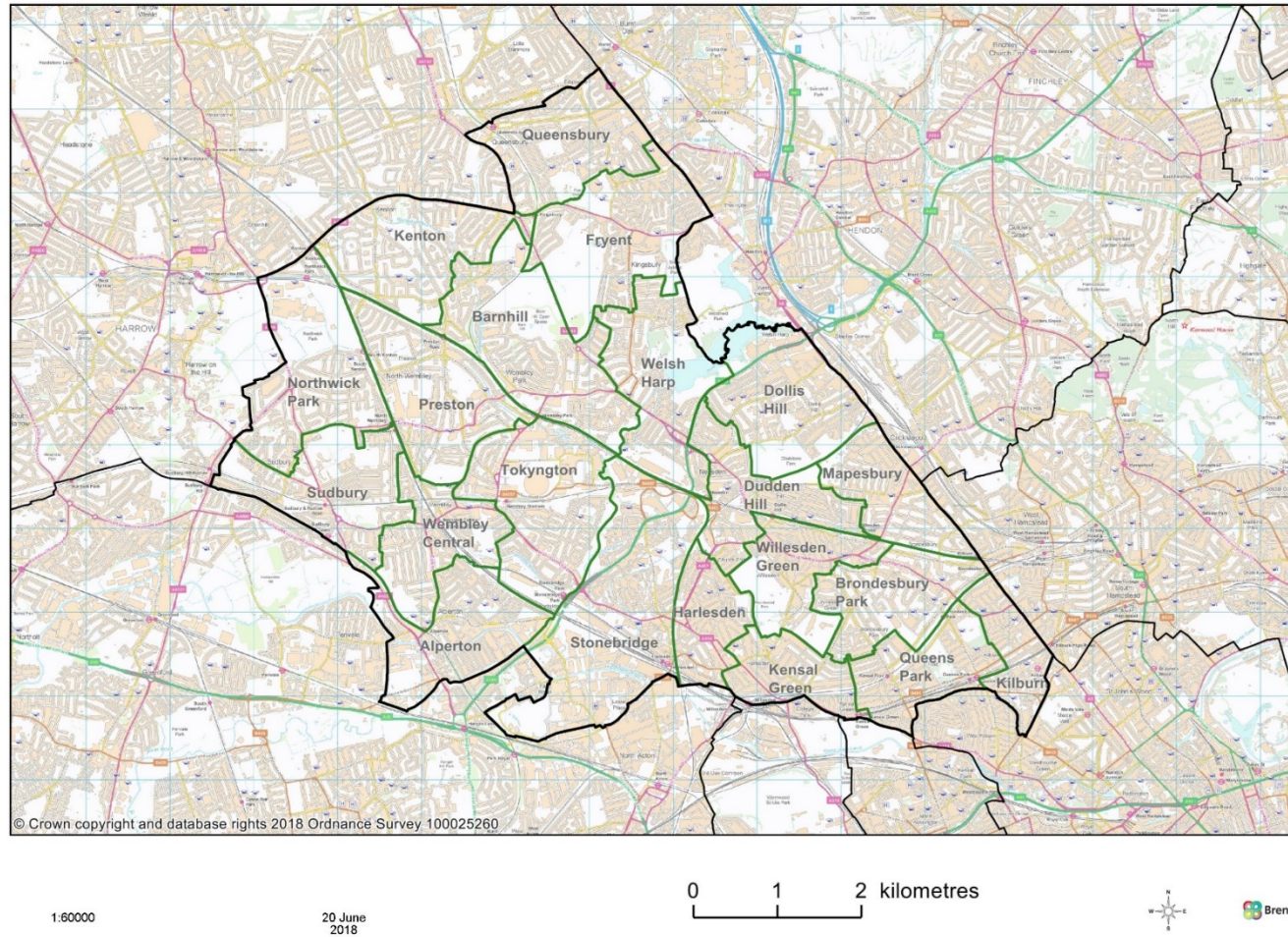


Figure 1: London Borough of Brent Map

### **1.3 Brent's vision and priorities**

1.3.1 Our vision is to build a better Brent together. The Plan aims to make Brent a:

- safer ,more attractive and more environmentally-friendly borough
- borough with good quality housing and engaging arts and leisure facilities
- more inclusive borough, for those who live and work in Brent including our children, young people and vulnerable residents
- borough with greater opportunities for people to achieve work and prosper
- healthy borough where residents are supported and cared for when they need it most.

1.3.2 There are three corporate priorities to support the vision. Each of the priorities has a set of objectives which define the areas of focus for the Council, its partners and community.

- **Better Locally**
  - Building resilience, promoting citizenship, fairness and responsibility among local people as well as strengthening a sense of community among people who live and work in Brent.
  - Promoting cohesion and integration in our communities
  - Ensuring that everyone has a fair say in how services are delivered, that they are listened to and taken seriously
  - Ensuring that inequalities in the quality of life in different parts of the borough are tackled by a stronger focus on local needs
  - Building partnership – between local service providers, local services and residents – to find new ways of providing services that are more finely tailored to individual, community and local needs.
- **Better Place**
  - Ensuring Brent is a better place to live, with a pleasant environment, clean streets, well-cared for parks and green spaces
  - Continuing to reduce crime, especially violent crime and making people feel safer
  - Increasing the supply of affordable, good quality housing
  - Supporting good quality, accessible arts and leisure facilities.
- **Better Lives**
  - Ensuring that people have the best possible life regardless of the starting position
  - Supporting local enterprise, generating jobs for local people, helping people into work and promoting fair pay
  - Ensuring that our schools are among the best and that our children and young people achieve to their potential
  - Enabling people to live healthier lives and reducing health inequalities
  - Supporting vulnerable people and families

## **2. Purpose and Scope of this Policy**

### **2.1 Policy Aims**

2.1.1 The aim of this policy is-

- To inform licence applicants how this Authority will make licensing decisions and how licensed premises are likely to be able to operate within its area.
- To set out how the local authority intends to support responsible operators and take effective actions against irresponsible operators.
- To inform local residents, businesses and licensed premises users, the protections afforded to the local community within the Act by this Authority.
- To support licensing decisions that may be challenged in a court of law.
- To reinforce to elected members on the Licensing Committee the powers available to the local authority as the licensing authority.

**2.2 Consultation for Statement of Gambling Principles**

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

2.2.2 Brent Council has endeavoured to consult as widely as possible on this statement before finalising and publishing. A list of those persons and/or bodies consulted is attached in Appendix F.

2.2.3 The Gambling Act requires that licensing authorities consult the following parties about the statement:

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

2.2.4 In addition to the consultees mentioned above, the Licensing Authority may also consult the following:

- Responsible Authorities such as the Fire Authority, child protection;
- Gambling Commission;
- Interested parties such as trade associations;
- Interested parties such as residents associations.

2.2.5 The consultation on this revised statement of principles took place between 3<sup>rd</sup> July 2018 and 3<sup>rd</sup> September 2018 and has had regard to the HM Government Code of Practice on Consultation published July 2008. The full list of comments made and the consideration by the Council of those comments will be made available upon request.



## **2.3 Licensing Authority functions**

2.3.1 Under the Gambling Act 2005, this Authority is responsible for local gambling regulation. This statement of principles deals with the range of regulatory functions in relation to gambling activities. These include:

- the licensing of premises where gambling activities are to take place by issuing premises licences;
- issuing provisional statements;
- regulating members' clubs and miners' welfare institutes which wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits;
- issuing club machine permits to commercial clubs;
- granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receiving notifications from alcohol licensed premises for the use of two or fewer gaming machines;
- issuing licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, where there are more than two machines;
- registering small society lotteries below prescribed thresholds;
- issuing prize gaming permits;
- considering notices given for temporary use of premises for gambling;
- receiving occasional use notices of betting at tracks;
- providing information to the gambling commission regarding details of licences issued (see section above on 'information exchange');
- maintaining registers of the permits and licences that are issued under these functions; and
- exercising of its powers of compliance and enforcement under the 2005 act in partnership with the gambling commission and other relevant responsible authorities.

## **2.4 Statutory framework**

- 2.4.1 As a licensing authority, this Council has a broad range of discretionary powers in regulating gambling. These include granting, reviewing, refusing and attaching conditions to premises licences or revoking them as a result.
- 2.4.2 In addition to the Act, this licensing authority has responsibilities under the Licensing Act 2003. There are some inter-dependencies between the two Acts in terms of the framework for decision making and the procedures that must be followed. However, the licensing objectives under the two Acts are not identical. The Council will only take into account considerations which are relevant to the Act being dealt with.

## **2.5 Licensing Authority Decisions**

- 2.5.1 Brent Council's Alcohol and Entertainments Licensing Committee is established to administer functions under the Licensing Act 2003 and is delegated with the powers under the Act to make all decisions relating to premises licences.
- 2.5.2 To provide a speedy, efficient and cost-effective service the committee has established a number of sub-licensing committees and delegated certain functions and decisions to those sub-committees.
- 2.5.3 Many of the decisions are largely administrative in nature such as, the grant of non-contentious applications, including for example, those licences, permits and notices where no representations have been made. These will be delegated to council officers by the licensing committee.
- 2.5.4 Applications where there are relevant representations will be dealt with by the licensing committee/sub-committees unless such representations are considered irrelevant, frivolous or vexatious or unless the council, the applicant and all those persons who have made representations agree that a hearing is not necessary.
- 2.5.5 The table at Schedule 5 sets out the delegation of functions under the Act to the licensing committee, sub-committees and officers. Where appropriate, officers may refer any matter to a sub-committee or a sub-committee to Full Committee.

## **2.6 Reviewing and updating the policy statement**

- 2.6.1 This Statement of Gambling Policy will be effective for a maximum of three years and will be reviewed thereafter. However, it may be reviewed earlier in the event of a change of policy, for example a change in local planning policy. The Council is required by law to consult on any changes to the policy.
- 2.6.2 Before the statement or revision comes into effect, the Council is obliged to publish a notice of its intention to publish a statement or revision. Such notice will ensure that applicants and persons wishing to make representations have the necessary information to do so. The Council will make available all necessary information on its website. Such information will:
- include a register of the premises licences that have been issued, where and at what times the register may be inspected;

- specify the date on which the statement or revision is to be published;
- specify the date on which the statement or revision will come into effect;
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected;
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect: be published in a local newspaper circulating in the area covered by the statement; in a local newsletter, circular, or similar document circulating in the area covered by the statement; on a public notice board in or near the principal office of the authority; on a public notice board on the premises of public libraries in the area covered by the statement.

2.6.3 A database of premises licences is also available on the Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## **2.7 Human Rights Act 1998**

2.7.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Brent Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications, considering enforcement and reviewing this policy.

2.7.2 The council will have particular regard to:

- (a) Article 6 – that in determination of civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- (b) Article 8 – that everyone has the right to respect for his home and private life (removal or restriction of a licence may affect a person's private life); and
- (c) Article 1 of the First Protocol – that every person is entitled to peaceful enjoyment of his or her possessions (a licence is considered a possession in law) and people should not be deprived of their possessions except in the public interest.

2.7.3 The Council will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. The Council may request as much information as it requires to satisfy itself that all the requirements as set out in the principles that it applies are met.

## **2.8 Diversity and equality**

2.8.1 Subject to the general requirements of the Act, this Licensing Authority will promote equality of opportunity. In such respects, nothing within this statement

of licensing principles shall undermine the right of any individual to apply for any of the licences and/or authorisations provided under the terms of the Act.

2.8.2 Brent is a diverse borough. The Council is aware that some applications may have greater impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs. With a view to eliminating unlawful discrimination, applicants will be expected (where appropriate) to address these concerns.

2.8.3 Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to promote good relations between persons of different racial groups, will give consideration to supporting those needs or customs whilst seeking to promote the three licensing objectives.

## **2.9 Exchange of Information**

2.9.1 Licensing Authorities play an important role in sharing information about gambling activity at a local level. This informs the Commission's overarching view of gambling activity and to identify risks and feed information and intelligence back to licensing authorities. The Commission has access to a wide pool of intelligence which it is able to make available to licensing authorities upon request, to support them in carrying out their regulatory responsibilities under the Act.

2.9.2 All licensing authorities are required to submit annual returns to the Commission, providing information on licensed gambling activity and details of compliance and regulatory work undertaken. This includes details of permits and notices issued, premises inspections conducted, and reasons for and outcome of licence reviews.

2.9.3 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

## **2.10 Declaration**

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

# **3. The licensing Framework**

## **3.1 Introduction to the Gambling Act 2005**

- 3.1.1 The Gambling Act 2005<sup>1</sup> (the “Act” requires this Licensing Authority to draft, consult on and publish a Statement of Gambling Principles in relation to its responsibilities under the Act. Once published, this policy called the statement of Gambling principles will be kept under constant review and in any case, will be re-published after every three years. Before any revision of the statement of gambling principles is published this authority will carry out a full consultation exercise. This statement has been revised following the 3 year review and is for the period 2019-2022.
- 3.1.2 The London Borough of Brent is a Licensing Authority under the Gambling Act 2005<sup>1</sup> (the “Act”) which came into force in 2007 and established a new regime for the regulation of commercial gambling whilst repealing a number of pieces of older law. The overall approach of the Act is to permit the use of premises for gambling in so far as it satisfies the criteria listed below. However, gambling is unlawful in Great Britain unless permitted by the measures contained in the Act in relation to most commercial gambling. The criteria that must be fulfilled for gambling are:
- (a) in accordance with any relevant code of practice and guidance issued by the Gambling Commission;
  - (b) reasonably consistent with the licensing objectives; and
  - (c) in accordance with the authority’s statement of licensing principles
- 3.13 The Act requires all licensing authorities 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 Commission’s guidance to licensing authorities contains further detail on the form of the council’s statement of principles.
- 3.14 Section 25 (1) of the Gambling Act states that the Gambling Commission shall from time to time issue guidance as to the manner in which local authorities are to exercise their functions and in particular, the principles to be applied by local authorities in their functions under this Act.
- 3.15 Section 25(2) states that a local authority shall have regards to the guidance issued under section 25(1).
- 3.16 It must be noted that there must be strong, robust and evidence based reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.
- 3.17 This Statement of Principles follows the principles laid down in the Gambling Commission’s Guidance to local authorities and can be accessed via <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>

- 3.18 The council's statement of principles is intended to promote the three licensing objectives set out in the Act. These 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.

Under the Gambling Act 2005 'child' means an individual who is less than 16 years old and 'young person' means an individual who is not a child but who is less than 18 years old.

- 3.19 Section 153 of the Act gives Licensing Authorities broad discretionary powers to regulate gambling in their areas. Those include the power to:
- issue a statement of licensing policy, setting expectations about how gambling will be regulated in the area;
  - grant, refuse and attach conditions to premises licences; and
  - review premises licences and attach conditions or revoke them as a result.

- 3.20 This Commission has wider functions under the Act, and the Council works in partnership with the Commission as dual regulators. This document does not discuss the role and responsibilities of the Commission and any references in this policy will only be insofar as it impacts on, or clarifies, this Council's functions. For example, the Commission is exclusively responsible for issuing operating and personal licences, the former of which is a necessity before the Council can determine an application for a premises licence.

- 3.21 The Commission is also mentioned in this document as being responsible for issuing Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives, and confirms that the Council will take account of all such guidance.

## **3.2 The Gambling Commission**

- 3.2.1 The Commission is a statutory body and the national regulator of gambling, with the following statutory functions:
- issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions and ensuring that holders of licences adhere to their terms;
  - publishing codes of practice; and

- publishing statutory guidance to licensing authorities.

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Victoria Square House  
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[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### **3.3 Roles and responsibilities**

**3.3.1** The London Borough of Brent is a Licensing Authority under the Gambling Act 2005 (the Act) which came into force in 2007 and established a new regime for the regulation of commercial gambling whilst repealing a number of pieces of older law. The overall approach of the Act is to permit the use of premises for gambling in so far as it satisfies the criteria listed below. However, gambling is unlawful in Great Britain unless permitted by the measures contained in the Act in relation to most commercial gambling. The criteria that the proposed gambling is:

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

**3.3.2** The Act requires all licensing authorities 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<sup>1</sup>. The Gambling Commission's guidance to licensing authorities contains further detail on the form of the council's statement of principles.

**3.3.3** The council's statement of principles is intended to promote the three licensing objectives set out in the Act. These 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.

**3.3.4** Section 153 of the Act gives Licensing Authorities broad discretionary powers to regulate gambling in their areas. Those include the power to:

- issue a statement of licensing policy, setting expectations about how gambling will be regulated in the area;
- grant, refuse and attach conditions to premises licences; and
- review premises licences and attach conditions or revoke them as a result.

3.3.5 This Commission has wider functions under the Act, and the Council works in partnership with the Commission as dual regulators. This document does not discuss the role and responsibilities of the Commission and any references in this policy will only be insofar as it impacts on, or clarifies, this Council's functions. For example, the Commission is exclusively responsible for issuing operating and personal licences, the former of which is a necessity before the Council can determine an application for a premises licence.

3.3.6 The Commission is also mentioned in this document as being responsible for issuing Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives, and confirms that the Council will take account of all such guidance.

### **3.4 The licensing framework**

#### **3.4.1 Types of Licence**

The Act creates three types of licence:

- (a) operating licences, which are required by businesses in order to provide gambling facilities lawfully
- (b) personal licences, which are required by some people working in the gambling industry
- (c) premises licences, which are required to authorise premises to provide gambling facilities

### **3.5 Operating licences**

These are linked to different types of gambling activity and include:

- Casino operating licence;
- Bingo operating licence;
- General betting operating licence;
- Gaming machine general operating licence for adult gaming centre or for family entertainment centre.



### **3.6 Personal licences**

A holder of a personal licence may be authorised to perform certain functions. It can authorise the holder to perform specified operational function relating to the provision of gambling machines or a person who provides gambling facilities. The Commission can impose licence conditions on personal licences. These licences are usually held by people in key management positions such as strategy, marketing, finance and compliance. These licences are not specific to one venue.

### **3.7 Premises Licences**

Premises licences are issued by the licensing authority to enable premises to be used for gambling. These include:

- casinos premises
- bingo premises
- betting premises, including tracks
- adult gaming centres
- licensed family entertainment centres

## **4 Principles to be applied by Licensing Authorities**

### **4.1 Licensing Objectives**

4.1.1 In exercising its functions under the Act, this Council must have regard to the licensing objectives which 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.

4.1.2 The Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.”

### **4.2 Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

4.2.1 This authority recognises that the Commission takes a lead role in preventing gambling from being a source of crime and will have investigated issues of suitability under the process for an Operators’ licence.

- 4.2.2 However, the location of a premises is an important factor when determining a premises licence application. Therefore, this Authority will pay particular attention to the location of gambling premises and the local level of crime. Where an area has a high levels of organised crime, careful consideration will be given to whether it is appropriate for gambling premises to be located there and if so what conditions may be necessary to minimise the risk of crime.
- 4.2.3 Operators should also be aware of and take into account issues of lower crime and anti-social behaviour.
- 4.2.4 Licensees will be expected to demonstrate that they have given careful and adequate consideration to this objective. In considering whether to grant a premises licence, this Authority will also give appropriate consideration to issues such as:
- The configuration, design and layout of the premises, paying particular attention to steps taken to 'design out' crime
  - The arrangements in place to control access
  - Security arrangements within the premises, including whether CCTV is installed (or intended) and if so the standard of the CCTV and the positioning of the cash registers.
  - Training provided to staff around crime prevention measures
  - The level of staff intended to be provided at the premises, including whether door supervisors are employed
  - The arrangements for age verification checks
  - The provision of adequate sanitary accommodation
  - Steps proposed to be taken to redress the recurrence of any historical crime and disorder issues
  - Steps proposed to prevent anti-social behaviour associated with the premises such as street drinking, litter and obstruction of the highway.
  - The likelihood of any violence, public disorder or policing problems if the licence is granted.
- 4.2.5 The above list is not exhaustive. Reference will also have to be made to issues raised by the local area profile detailed in section 6 of this policy.
- 4.2.6 It is noted that the distinction between disorder and nuisance in the case of gambling premises and that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.
- 4.3 Objective 2: Ensuring that gambling is conducted in a fair and open way**
- 4.3.1 The Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is, however, more of a role for licensing authorities with regard to tracks which is explained in more detail below.

4.3.2 Any suspicions raised that gambling is not conducted in a fair and open way will be brought to the attention of the Commission. Similarly, any concerns relating to fair trading legislation will be brought to the attention of Trading Standards.

**4.4 Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling**

4.4.1 This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children [excepting category D machines]). The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas, restrictions on signage etc.

4.4.2 Licensees and applicants will be expected to demonstrate that they have given careful consideration to measures intended to protect children. This Authority will give appropriate consideration to measures intended to protect children such as:

- Arrangements for age verification
- Arrangements for segregation between gaming and non-gaming areas in premises where children are permitted.
- Arrangements for supervision of machine areas in premises where children are permitted
- The provision of signage and notices

4.4.3 This Authority will also consider whether the structure or layout and configuration of a premises either inhibits adequate supervision of the premises or prohibits it. In such cases the applicant for a licence should consider what changes are or might be required to mitigate this. Such changes include:

- The positioning or relocation of staff or CCTV to enable direct lines of sight of entrances/machines
- The use of floor walkers to monitor use of machines

4.4.4 The intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering the premises which are adult only environments. This Authority will consider whether staff will be able to adequately supervise the gambling premises to ensure this.

4.4.5 The Commission's general licence conditions and associated codes of practice include requirements as part of the Operating Licences that licensees must have and put into effect social responsibility policies and procedures designed to prevent under age gambling and monitor the effectiveness of these.

4.4.6 In order that this Authority may make proper informed judgement as to the effectiveness of these policies and procedures, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered on their own merit.

#### **4.5 Protecting vulnerable adults**

- 4.5.1 The Act does not prohibit groups of adults from gambling in the same way that it does children.
- 4.5.2 The Commission does not define 'vulnerable adults', it does for regulatory purposes assume that this group includes people who may 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 mental health needs, learning disability or substance misuse relating to drugs or alcohol.
- 4.5.3 The Commissions general licence conditions and associated codes of practice include requirements as part of Operating Licences that licensees must have and put into effect policies and procedures that promote socially responsible gambling. In particular, the codes of practice place responsibilities on licensees:
- To make information readily available to customers on how to gamble responsibly and how to access information about and in respect of gambling problems.
  - For customer interaction where they have concerns about a customer's behaviour may indicate problem gambling.
  - To participate in the national multi-operator self-exclusion scheme
  - To take all reasonable steps to refuse service or otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling
  - To take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.
- 4.5.4 In order that this authority may make a proper informed judgement as to the effectiveness of these policies and procedures, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered upon their individual merits.
- 4.5.5 This Authority will want to understand the steps taken by the applicant to monitor the effectiveness of these policies and procedures.

#### **4.6 Choosing a suitable location**

- 4.6.1 Location of the premises has already been raised within this policy under the first licensing objective. However, locations carry broader considerations that can potentially impact on each of the licensing objectives and beyond. This Authority recognises that betting shops have always been situated in areas of high population where there are likely to be high numbers of children. This in itself is not a problem where appropriate steps have been taken to minimise the risks of children being attracted to gambling.
- 4.6.2 This Authority will give careful consideration to any application in respect of premises that are located in close proximity to:
- Schools

- Parks, playgrounds and open spaces
- Stations and transport hubs where large number of children may be expected to congregate
- Leisure facilities, youth clubs and community centres
- Hostels or other accommodation for vulnerable children, young persons and adults
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, council housing offices, addiction clinics or help centres, places where alcohol and drug dependent people may congregate etc.
- Faith premises and places of public worship (including churches, temples, mosques etc.) which may tend to be frequented by children and/or vulnerable people.
- Areas that are prone to youths congregating, including (but not limited to) for the purposes of participating in anti-social behaviour, activities such as graffiti/tagging underage drinking and public drinking etc.
- Recorded instances of attempted underage gambling.

4.6.3 The licensing authority is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks is:

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

## 5. Brent Profile

Comment [FS1]:

### 5.1 Health in Brent

- 5.1.1 Substance Misuse- in Brent, the estimated prevalence of opiate and/or crack cocaine use was 8.3 per 1,000 of the population aged 15 to 64 in 2011/12. This was similar to the England average rate, 8.4 per 1,000 of the population. The number of adults in treatment in Brent has risen slightly from 1,696 in 2013/14 to 1,739 in 2014/15, equating to an increase of 3%.
- 5.1.2 Although 31.4% of the population aged 16 and over abstain from alcohol use, almost twice the national average of 16.5%, of greater concern is the proportion of high risk drinkers in Brent which at 7.1% is above the national average of 6.7%.
- 5.1.3 The rate of alcohol related harm hospital stays was 610, which is higher than the England average
- 5.1.4 Mental Health Disorders - One in four people in the UK will experience a mental health problem each year. Common Mental Health Disorders (CMDs) include depression and anxiety. In 2012/13, 3.4% of the population in Brent CCG aged 18 and over had a recorded diagnosis of depression.

- 5.1.5 This was below the England average which was 5.8%. Estimates of self-reported daily anxiety show that 18.8% of Brent residents consider themselves to have high levels of daily anxiety compared to the England average of 20% (2013/14). Estimates show that in Brent in 2014, 33,959 people aged 18 to 64 years were thought to have a CMD. By 2030, this is projected to increase to 36,265 people, an increase of 7%.
- 5.1.6 Severe and enduring mental health and conditions include long term illnesses such as schizophrenia, personality disorder, and bipolar disorder. In 2011/12, the prevalence of severe and enduring mental health conditions in Brent was 1.1% of the adult population, which is above both the London (1%) and England (0.8%) averages.

## **5.2 Concerns surrounding Fixed Odd Betting Terminals (FOBT's)**

- 5.2.1 This Council is concerned about the amount of money which is being spent on FOBTs in the borough, which suffers from high levels of deprivation in certain areas. At present there are an estimated 200 B2 gaming machines in Brent, an estimate based on the number of betting shops multiplied by the legal maximum allowed. However, an estimate provided by the Campaign for Fairer Gambling suggests that £96,334,680 was spent in the borough's B2 machines in 2016. There is no borough-specific data about gambling participation. However, a national survey found that 1.4% of the adult population have played virtual gaming machines in bookmakers in the last month.
- 5.2.2 Brent Council is keen to reduce gambling related harm. There is little borough-specific data available, but problem gambling prevalence rate among adults in Great Britain is 0.8% or approximately 430,000 people. Problem gamblers can already access treatment services in primary and secondary care including specialised mental health services. At present, there isn't a commissioned service through Public Health in Brent and therefore residents have to rely on the national helpline. National Gambling Helpline records data for around 7% of Helpline and Netline calls each year. From April 2013 – March 2016 it is estimated that approximately 3,742 people from Brent contacted the helpline. In addition, Gamcare provided 46 Brent residents with face-to-face counselling.
- 5.2.3 Research has shown that there is a relationship between the spatial distribution of licensed betting offices and problem gambling. The sample of those playing B2 machines in the research suggests there is a strong association between concentrations of licensed betting offices and problem gambling. Deprived areas are also known to be associated with problem gambling<sup>1</sup>. It should be noted that the cost-benefit analysis in the impact assessment by DCMS argues that the reduction of the maximum stake to £2 will result in benefits of reduced gambling-related harm and there could be a reduced expenditure on government programmes which mitigate harm such as healthcare and mental health, welfare, housing and criminal justice<sup>2</sup>. A reduction of the stake to £2 for category B2 machines would bring it in line with all other categories of gaming machines apart from B1 machines used in Casinos

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Gaynor Astbury & Heather Wardle, Secondary Analysis of Machines Data: Examining the effect of proximity and concentration of B2 machines to gambling play (Geofutures, 2016) p32

<sup>2</sup> Impact Assessment Consultation on Proposals for Changes to Gaming Machines, DCMS pp.12-14

### 5.3 Risk Assessments

5.3.1 In February 2015, the Gambling Commission revised its 'Licence Conditions and Codes of Practice (LCCP)' which formalised the need for operators to consider local risks, specifically the Social Responsibility Code 10.1.1, requires that all existing and proposed premises licence holders carry out risk assessments in accordance with the licensing objectives. These risk assessments will then underpin the measures required in order to mitigate those risks. The relevant assessments are required to take the licensing authority's statement into consideration in order to alleviate the risks.

5.3.2 From 6 April 2016, the LCCP has required all existing licensees that provide gambling facilities at their premises, to assess risks to the licensing objectives and have policies, procedures and control measures in place to reduce those risks.

5.3.3 The Gambling Commission believes that gambling related harm are often not recognised and in their view require greater attention<sup>3</sup>. They also identify those who are likely to be more vulnerable to gambling harm. Those with the strongest vulnerability are:

- Ethnic Groups
- Youth
- Low IQ
- Substance abuse/misuse
- Poor mental health

It is also identified that the wider group of people around a gambler may be negatively impacted. This includes the wellbeing of partners, children, friends, employees, the community and the economy.

5.3.4 In December 2016 the Institute for Public Policy Research (IPPR) published research on the cost of gambling related harm in Great Britain<sup>4</sup>.

5.3.5 The report estimated that the **direct cost** of problem gamblers to the public purse was between £260 million and £1.2 billion per year. The estimates on this are wide, the availability of relevant data was limited, and it only captures the fiscal impact and not more personal or social costs.

<sup>3</sup> Gambling-related harm as a public health issue - Briefing paper for Local Authorities and local Public Health providers February 2018

<sup>4</sup> Cards on the table: The cost to government associated with people who are problem gamblers in Britain, IPPR, December 2016

Department	Cost of range England	Cost of range Great Britain
Health:		
Hospital inpatient services	£110m-£290m	£140m-£610m
Mental health primary care	£10m-£20m	£10m-£40m

Secondary mental health services	£20m-£50m	£30m-£110m
Welfare and employment: JSA claimant costs and lost labour tax receipts	£30m-£80m	£40m-£160m
Housing: Statutory homelessness applications	£10m-£30m	£10m-£60m
Criminal Justice: Incarcerations	£30m-£90m	£40m-£90m

Table 1: Direct cost of problem gamblers

Licensees must take into account any relevant matters identified in the licensing authorities Statement of Principles when making their risk assessments.

5.3.6 A local risk assessment should also be undertaken or updated by a licensee, when applying for:

- A new premises licence
- When applying for a variation of an existing premises licence
- To take into account any local significant changes in the local area
- When there are significant changes with their premises that may affect the existing local risk assessment.

## 5.4 Local Area Profile

5.4.1 The local area profile has been proposed in order to help inform specific risks that operators will need to address in their risk assessments. It ensures gambling operators consider all of the relevant data in order to safeguard anyone who is in direct or non-direct contact with gambling but equally to protect those most at risk.

5.4.2 The areas to be considered for the local area profile are:

- **Deprivation**
  - Income
  - Employment
  - Education, Skills & Training
  - Health & Disability
  - Crime
  - Barriers to Housing & Services
  - Living Environment
  - Income deprivation affecting children
  - Income deprivation affecting older people
- **Crime & Disorder Data in relation to Local Anti-social Behaviour (ASB)**
- **Local Amenities**
  - Bank/Building Societies
  - Education Establishments
  - Places of Worship



- Betting Shops, Adult Gaming Centres (AGC's) & Bingo premises
- Premises Licensed under the Licensing Act 2003
- Pay day/Loan establishments/Pawn shops/Cash convertors
- Vulnerable Housing/Emergency accommodation/Supported Housing
- Substance Misuse & Drug & Alcohol recovery services
- GP's/Surgery
- Job Centres

## 5.5 Instructions on use of the Maps

### 5.5.1 Deprivation

In relation to **deprivation**, both the overall and individual maps should be reflected upon by visiting [www.linktomaps.com](http://www.linktomaps.com)

### 5.5.2 ASB

The **ASB** data map should also be used to identify high levels of issues in the Borough in relation to the positioning of the proposed or existing gambling site. The map can be found by visiting

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

A static version of the same map can be found by visiting [www.linktomaps.com](http://www.linktomaps.com)

### 5.5.3 Local Amenities

In terms of **local amenities**, the following interactive map should be used, taking into account all of the above amenities in relation to the premises

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

5.5.4 It is Brent's position that all areas shaded as the '*most deprived*' on the 'Index of Multiple Deprivation (IMD)' map and all areas shaded as the 'most deprived' on 'ASB data map', should be considered as being at high overall risk of gambling related harm and therefore inappropriate for further gambling establishments. Operators would therefore be asked not to consider locating new premises or relocating existing premises within these areas.

5.5.5 Where operators do locate areas where they contemplate placing a new premises, the local amenities interactive map can be used to identify specific risks which should be the subject of mitigation or control measures in the form of a local risk assessment.

## 5.6 Risk Assessments - Further Considerations

5.6.1 This Licensing Authority recommends that the following matters are considered by operators when making their risk assessments:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Gaming trends that may reflect benefit payments
- Arrangement for local 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 licensed premises such as other gambling outlets, banks, payday loan shops, post offices, alcohol & entertainment facilities etc.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities etc.

5.6.2 For matters related to children and young person risk assessments should address the following:

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

5.6.3 For matters relating to vulnerable adults risk assessments should address the following:

- Information held by the 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
- Arrangements for localised exchange of information regarding self-exclusions and gaming trends
- Proximity of premises which 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 dependent people may congregate.

5.6.4 Other issues that should be considered include:

- Matters of faith including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

This list is not exhaustive and other factors not in this list or listed elsewhere in the statement of principles must be taken into consideration.

## **5.7 Assessing Applications**

5.7.1 Whilst applications will continue to be assessed on their own merit, the local area profile maps that have been provided alongside this document must be taken into consideration if an application is to be made to Brent Council.

5.7.2 Where risks are present, mitigation or control measures should be identified in operating schedules and risk assessments when making an application. It is vital

that an open discussion on concerns raised by the local authority, are also addressed.

5.7.3 The licensing objectives must also be promoted throughout the application.

5.7.4 Factors Taken Into Consideration by Local Authority

The following list which is not exhaustive are some of the factors that will be taken into account when considering an application:

- The location of the premises
- How the Local Area Profile map data provided in this document has been addressed
- Hours of Operation
- The size and layout of the premises
- The level of management to be provided
- The input from responsible authorities
- The input of interested parties
- The risk assessment and operating schedule provided

**5.8 Conditions to be added to licence**

5.8.1 In addition to mandatory and default conditions, Brent Council may also impose conditions at its discretion which are relevant, fair and reasonable in relation to the proposed application.

5.8.2 In addition to this, the Commission's Licence Conditions and Codes of Practice, should be considered by both the local authority and operators. These may be viewed by visiting:

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>

**5.9 Summary**

5.9.1 New applicants are asked to utilise all of the map data provided in this document relating to deprivation and ASB when making a decision as to whether an application should be made in the first instance.

5.9.2 If operators decide to apply, they should still take into consideration the data relating to deprivation and ASB but should also consider the data relating to local amenities. The data relating to local amenities may also show cause for concern, resulting in the operator deciding against an application in the proposed location.

5.9.3 Lastly, all operators will need to take into consideration neighbouring wards and Boroughs when making a decision to apply for a new licence and/or writing/modifying risk assessments. As discussed, the provided list is not exhaustive, if other factors are identified, these should also be reflected upon in risk assessments.

**6 Premises licences**

**6.1 General principles**

- 6.1.1 This Statement of Principles does not set out to explain the process and procedure for a premises licence, variation or transfer. However, it does set out for the benefit of applicants and all other interested parties some important matters that this Authority will have regard to when determining applications.
- 6.1.2 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;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of licensing policy.
- 6.1.3 Applications for premises licences and club premises certificates must be made on the prescribed form and accompanied by
- The prescribed fee
  - The prescribed documents, namely a plan of the premises (ideally at 1:100 scale, unless otherwise agreed with the Authority).
- 6.1.4 Application forms and statutory notices can be downloaded from the Commission's website. An application for a premises licence may only be made by persons (which includes companies or partnerships):
- Who are aged 18 or over
  - Who have the right to occupy the premises
  - Who have an operating licence or applied for an operating licence which allows them to carry out the proposed activity
- The premises licence can not be determined until an operating licence has been issued.
- 6.1.5 Applications must be completed in full and signed and dated. Incomplete applications will not be processed.
- 6.1.6 Similarly, a licence application and any licence subsequently issued is not valid if the relevant 'application notices' have not been made. These include:
- A notice placed outside the premises for 28 consecutive days in a place where it can be easily seen and read by passers by
  - A public notice placed in a newspaper or newsletter of local relevance on at least one occasion within 10 days of application being made.
  - Notice provided to all relevant responsible authorities, including the Commission, within seven days of the application being made.

- 6.1.7 Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications in relation to premises licences.
- 6.1.8 Section 135 of the Act identifies the following bodies as responsible authorities:
- The licensing authority in whose area the premises is wholly or partly situated
  - The Gambling Commission
  - The Chief Officer of Police
  - London Fire Brigade
  - The local planning authority
  - Environmental Health
  - Childrens Safeguarding Team
  - HM Revenue and Customs
  - Any other person prescribed by the Secretary of State
- 6.1.9 The licensing authority expects applicants for new licences or variations to assess the local risks to the licensing objectives posed by the provision of gambling facilities at the premises, and have policies, procedures and control measures to mitigate those risks. The licensing authority will request copies of the risk assessments as part of the application process, and will consider both the adequacy of the risk assessment and the control measures proposed, and whether it is proportionate to incorporate the control measures as conditions on the licence.
- 6.1.10 The Commission's Guidance to local authorities states that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' (see below regarding Casinos), and also that unmet demand is not a criterion.
- 6.1.11 Under s.150 of the Act, the Council will issue premises licences, if appropriate, for the provision of facilities on:
- casino premises
  - bingo premises
  - betting premises, including tracks and premises used by betting intermediaries
  - adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
  - family entertainment centre (FEC) premises (for category C and D machines).
- 6.1.12 The Council may also issue a FEC gaming machine permit, which authorizes the use of category D machines only.
- 6.1.13 The gambling activity of the premises should be linked to the premises described. For example, in a bingo premises, the gambling activity will be bingo, with gaming machines as an ancillary offer on the premises.

## **6.2 Definition of premises**

6.2.1 The Act defines 'premises' as including any 'place'. Section 152 of the Act prohibits more than one premises licence applying to any place. But a single building could be subject to more than one premises licence providing they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

6.2.2 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, this Licensing Authority does not consider that areas of a building that:

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

When deciding if parts of a building/place constitute premises in their own right, the Licensing Authority also will take into account the definition of "premises" in the Act.

6.2.3 Any premises that are artificially or temporarily separated by ropes or moveable partitions will not be considered as a separate premises. If the premises are located within a larger venue, this authority will require a plan of the venue in which the premises should be identified as a separate unit.

6.2.4 Each application will be considered on its own merit. However, in cases where a proposal is intended to create separate premises with additional gaming entitlement which impacts on the licensing objectives, then this authority will not automatically grant a licence even where the mandatory conditions relating to access between premises are observed.

6.2.5 In considering licensing applications, the Licensing Authority will particularly take into account:

- the design and layout of the premises;
- the training given to staff in crime prevention measures appropriate to those premises;
- physical security features installed in the premises. this may include matters such as the positioning of cash registers and the standard of any CCTV system.

- where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- the likelihood of any crime, public order and anti-social behaviour issues if the licence is granted.
- the steps proposed by an applicant with regard to the licensing objectives, the associated robust risk assessments as well as any licence conditions proposed by the applicant.

### 6.3 Access to premises

6.3.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provision for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18, and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18 can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

6.3.2 The relevant access provisions for each premises type is as follows:

Premises	Access provision
Casinos	<ul style="list-style-type: none"> <li>• the principal entrance to the premises must be from a 'street'</li> <li>• no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons</li> <li>• no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence</li> </ul>
AGCs	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly</li> </ul>
	<ul style="list-style-type: none"> <li>• from any other licensed gambling premises.</li> </ul>
Betting shops	<ul style="list-style-type: none"> <li>• access must be from a 'street' or from other premises with a betting premises licence</li> <li>• no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.</li> </ul>
Tracks	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a casino or AGC</li> </ul>
Bingo premises	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track</li> </ul>
FECs	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track</li> </ul>

Table 2: Access type for each premise

## **6.4 Access to gambling by children and young people**

- 6.4.1 One of the objectives of the Act is protecting children and other vulnerable persons from being harmed or exploited by gambling. It is an offence to invite, cause or permit a child or young person to gamble or to enter certain gambling premises. Children are defined under the Act as under 16s and young persons as 16-17 year olds. An adult is defined as 18 and over.
- 6.4.2 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:
- casinos are not permitted to admit anyone under 18 ;betting shops are not permitted to admit anyone under 18;
  - bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
  - AGCs are not permitted to admit those under 18 ;
  - FECs and premises with a liquor licence (for example pubs) can admit under-18s, but they must not play category C machines which are restricted to those over 18 years of age.;
  - clubs with a club premises certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
  - all tracks can admit under-18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place.
- 6.4.3 This was extended to other sporting venues under the Gambling Act 2005 (Exclusion of Children from Track Areas) Order 2007. Tracks will be required to have policies to ensure that under-18s do not participate in gambling other than on category D machines.
- 6.4.4 This Council will 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. In particular, the Council is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits.
- 6.4.5 The under-18s must not have access to areas where category B and C gaming machines are located, and this is achieved through default conditions that require the area to be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose



supervised at all times to ensure that under-18s do not enter the area, and supervised by either:

- one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
- CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
- arranged in a way that ensures that all parts of the area can be observed.

6.4.6 A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.

6.4.7 There are other conditions which attach to each type of premises which are set out in Part 9 of the Commission's Guidance and other Parts relating to each type of premises.

## **6.5 Multiple activity premises – layout and access**

6.5.1 With the exception of bingo clubs, tracks on race days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.

6.5.2 The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling. In considering applications for such premises, this Council will have regard to the following along with other criteria outlined in Guidance from the Commission:

- 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; and
- 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.

## **6.6 Single and combined licences**

6.6.1 Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machines.

6.6.2 The exception to this relates to tracks, that is a horse racing course, dog track or other premises where races or sporting events take place, which may be subject

to more than one premises licence, provided each licence relates to a specified area of the track.

6.6.3 To determine whether two or more proposed premises are truly separate, this Authority will consider the following factors in making their decision:

- Is a separate registration for business rates in place for the premises?
- Is the 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?

## **6.7 Premises Plans**

6.7.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) states that a plan 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 form 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 the exit leads.

6.7.2 The Regulation states (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’. This includes information on supervision, CCTV, line of sight to all machines and players, Mag locks, use of privacy booths, blue lights etc. However, this minimum requirement is not sufficient to satisfy the licensing objectives, in particular the social responsibility codes, and the Licensing Authority’s policy statement. In such a case, this Council will request more information from the applicant.

## **6.8 Application for premises variation (s.182(b)): ‘material change’**

6.8.1 When considering an application for variations, this Council will have regard to the principles to be applied as set out in s.153 of the Act.

## **6.9 Representations**

- 6.9.1 In dealing with an application, the Council is obliged to consider representations from two categories of person, referred to in the Act as Responsible Authorities and Interested Parties.
- 6.9.2 Representations from other parties are inadmissible. Having determined that the representation is admissible, this Council must consider its relevance.
- 6.9.3 Only representations that relate to the licensing objectives, or those that raise issues under the licensing authority's policy statement, or the Commission's Guidance or Codes of Practice, are likely to be relevant.

#### **6.10 Additional information to be made available**

- 6.10.1 In order to ensure that applicants and persons wishing to make representations have the necessary information to do so, the Council will make available all necessary information on its website. Such information will include a register of the premises licences that have been issued, where and at what times the register may be inspected. A database of premises licences is also available on the Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

#### **6.11 Premises ready for gambling**

- 6.11.1 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.
- 6.11.2 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.
- 6.11.3 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, this authority will determine applications on their individual merits, applying a two stage consideration process as follows:
- first, whether the premises ought to be permitted to be used for gambling; and
  - second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 6.11.4 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.

#### **6.12 Location**

6.12.1 This Licensing Authority will take into account, for the protection of children and vulnerable persons, the following when determining whether a premises location is suitable for a grant of a licence:

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

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

### **6.13 Planning & Building Control**

6.13.1 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should instead be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. In any event 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 control.

### **6.14 Duplication with other regulatory regimes:**

6.14.1 This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. When considering an application for a premises license, this authority will disregard the likelihood of planning or building regulations being awarded. It will 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.

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

## **6.15 Responsible Authorities**

- 6.15.1 The Licensing Authority is required to notify all Responsible Authorities of applications and they are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences. All representations made by Responsible Authorities are likely to be relevant representations if they relate to the three licensing objectives.
- 6.15.2 The Responsible Authorities are defined in the Glossary at Appendix G. 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.
- 6.15.3 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.
- 6.15.4 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

## **6.16 Interested Parties**

- 6.16.1 Interested Parties can make representations about licence applications, or apply for a review of an existing licence.
- 6.16.2 The Act states that: "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - (b) has business interests that might be affected by the authorised activities, or represents persons who satisfy paragraph (I) or (II)
- 6.16.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act 2005 to determine whether a person is an interested party.
- 6.16.4 The principles are:
- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will take account of the examples of considerations provided in the Commission's

Guidance to Licensing Authorities.

- It will however take into account the size of the premises and the nature of the activity that will be taking place in it. Larger premises are likely to affect people over a wider area than smaller premises.
- The widest lawful interpretation will be given to the Gambling Commission's guidance phrase "has business interests" to include partnerships, charities, faith groups and medical practices.

6.16.5 Interested Parties can be persons who are democratically elected such as Councillors and Members of Parliament (provided they satisfy 8.2.3(c) above). 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. Other than these, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

6.16.6 If individuals wish to approach councillors to ask them to represent their views then care should be taken to ensure that such councillors are not part of the Licensing Sub-Committee dealing with the licence application.

## **6.17 Body assigned as competent to advise on the protection of children from harm**

6.17.1 The Council's local safeguarding Children Board has been identified as competent to advise on the protection of children from harm.

6.17.2 This board is designated as a competent body because the body will be responsible for:

- Providing professional and expert opinion
- Ensure accountability by being answerable to elected members rather than any particular interest group.

## **7 Premises Licence Conditions**

### **7.1 Introduction**

Any conditions attached by the Licensing Authority to any particular licence 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;
- fair and reasonable in relation to the scale and the type of premises, and

- in the Licensing Authority's consideration be reasonable in all other respects.

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

7.1.2 The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's current guidance.

7.1.3 The Licensing Authority will also ensure that where category A to C gaming machines are on offer in premises to which children are admitted:

all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

7.1.6 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences, and these are stipulated in the Act or its statutory regulations.

7.1.7 Applicants may offer licence conditions to the Licensing Authority as a part of their application. Examples of such conditions are:

- the premises shall be fitted out and operational within 6 months of the issue of the licence;
- the Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.
- there shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 25 years.
- Challenge 21
  - (a) The Licensee shall have a "Challenge 21" policy whereby all customers who appear to be under the age of 21 are asked for proof of their age.
  - (b) The Licensee shall prominently display notices advising customers of the "Challenge 21" policy.
  - (c) The following proofs of age are the only ones to be accepted :
    - (i) Proof of age cards bearing the "Pass" hologram symbol
    - (ii) UK Photo Driving licence
    - (iii) Passport

## **7.2 Staff competency and training**

- 7.2.1 All staff shall be trained in the premises proof of age compliance scheme and records of the training given shall be retained on the premises and made available for inspection by authorised officers.
- 7.2.2 The licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

## **7.3 Refusals Book**

- 7.3.1 The Refusals book shall be used to record details of all age-related refusals. The log shall be reviewed monthly by the nominated responsible member of staff and any action taken recorded in the book and signed off.
- 7.3.2 The Refusals Book to be reviewed monthly by a nominated responsible member of staff and date and time of each examination to be endorsed in the book. This log shall be retained on the premises and made available for inspection by authorised officers.

## **7.4 CCTV**



7.4.1 The CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public. The CCTV shall monitor each entrance, exit and the gaming areas.

7.4.2 The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the Police or an officer of the Licensing Authority, upon request.

## **7.5 Numbers of staff and door supervisors**

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

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

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

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

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

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

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

- the full name and address of the door supervisor deployed;

- the time they commenced and finished duty; and
  - all incidents that the door supervisors dealt with.
- 7.5.7 If there are any future changes in the licensing or approval/registration regime administered by the Security Industry Authority that affect door supervisors these will be taken into account by the Licensing Authority.
- 7.5.8 The term 'door supervisor' means any person:
- guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage; or
  - guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.
- 7.5.9 For premises other than casinos and bingo premises, the Licensing Authority may decide that supervision of entrances/exits/machines is appropriate for particular cases
- 8 Protection of children and vulnerable persons - premises other than betting premises**
- 8.1 Adult gaming centres**
- 8.1.1 Adult gaming centres (AGCs) premises 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 relevant licensing authority. The holder of an AGC premises licence that was issued prior to 13 July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. An AGC licence granted after 13 July 2011 may make available for use a number of category B 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.
- 8.1.2 Gambling machines provide 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.
- 8.1.3 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures/licence conditions may cover issues such as:
- proof of age schemes;
  - CCTV;
  - Entry control system

- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

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

- 8.1.4 Gaming machines provide opportunities for solitary play and immediate payouts and as such are likely to encourage repetitive and excessive play. Therefore when considering premises licence applications which include gaming machines particular regard will be given to the third licensing objective.

## **8.2 (Licensed) Family Entertainment Centres**

- 8.2.1 The Act creates two classes of family entertainment centres (FEC). This part of the policy concerns licensed FECs. Persons operating a licensed FEC must hold a 'gaming machine general operating licence from the Commission and a premises licence from the relevant licensing authority. The FECs make category C and D machines available.

- 8.2.2 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate measures/ licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;

- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- 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.

8.2.3 This Licensing Authority will refer to any operating licence conditions, current Guidance or Codes of Practice by the Gambling Commission as to the way in the area's containing category C or higher machines should be delineated and/or separated.

8.2.4 In determining any application for a permit this Authority will have regard to the licensing objectives and will expect the applicant to show that there are policies and procedures in place to protect children from harm, relating not just from gambling but also wider child protection considerations, including the risk of child sexual exploitation. The effectiveness of such policies and procedures will be considered on their merits. The Authority expects measures to train staff on:

- Appropriate action regarding suspected truanting school children on the premises
- Dealing with unsupervised young children being on the premises or children causing perceived problems on or around the premises.
- Staff training on maximum stakes and prizes.

8.2.5 SR 3.2.5(2) requires operators to ensure that employees prevent access and challenge children or young persons who attempt use of category C machines. The licensing authority will ensure that staffing and supervision arrangements are in place to meet this requirement both at application stage and at subsequent inspections.

### **8.3 Casinos**

8.3.1 Section 166(1) of the Act states that a licensing authority may resolve not to issue casino premises licence. This Authority has not passed such a resolution but it is aware of the power to do so.

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

- proof of age schemes;

- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

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

## **8.4 Bingo Premises**

8.4.1 A holder of a bingo licence is able to offer bingo in all its forms. It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will require that:

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

8.4.2 Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;

- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

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

8.4.3 This Licensing Authority will take account of any current guidance from the Commission as to the suitability and layout of bingo premises.

8.4.4 Where a bingo premises licence is obtained primarily to benefit from the gaming machine entitlement that it provides the Authority will need to be satisfied that only bingo shall be played at the premises. Close scrutiny will be given to any excluded areas of the premises.

8.4.5 Young persons aged 16 and under may be employed in bingo premises provided their duties are not concerned with the gaming or gaming machines. Licences will not be granted unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures that they will undertake to protect young employees.

## **8.5 Betting Premises**

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

## **8.6 Betting Premises Licence (In Respect Of Premises Other Than A Track)**

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

(b) This section of the policy concentrates on 'off course' betting that takes place other than at a track and includes an entitlement to provide up to four gaming machines of category B2, B3, B4, Cor D and any number of betting machines. This Licensing Authority may, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licence condition. When considering whether such a condition should be imposed, the Licensing Authority will take into account:

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

(c) The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. However appropriate measures / licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes;
- provision of information leaflets/helpline numbers for organisations such as GamCare.

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

- (d) There are particular concerns about the use of b2 Fixed Odds Betting Terminals (FOBTs). We recognise that it is permissible for a betting operator to provide solely FOBTs as their allocation of gaming machines, the high prize, high stake gaming provided enables considerable sums of money to be spent in a very short period of time, which increases the risk of gambling related harm. Nevertheless, the applicant in each case will be expected to demonstrate that they can offer sufficient facilities for betting alongside any gaming machine provision.
- (e) Where FOBTs are provided these gaming machines shall be located within direct line sight of the supervised counter. Information leaflets and posters shall be provided in close proximity to the location of any FOBTs. These should be aimed at customers/families/friends to provide information on how to identify signs of problem gambling and available pathways to advice and assistance (e.g. helpline numbers and online counselling services).
- (f) Where the local area profile identifies any relevant local risk of gambling related harm, operators shall consider additional protections for the vulnerable. This can include:
  - Removing Automated Teller Machines (ATM's) from the betting office
  - Restricting FOBTs to account based play
- (g) Licensed betting premises are only permitted to offer gambling facilities between 0700 and 2200 hours, unless the local authority has agreed an extension of operating hours. We recognise that longer operating hours may attract more vulnerable people such as those who may be intoxicated or have gambling addictions. Therefore, this Authority is unlikely to grant any extension of operating hours unless it is satisfied that robust measures will be undertaken to protect the vulnerable.
- (h) Children and young persons are not permitted to enter licenced betting premises. Social Responsibility (SR) Code 3.2.7(3) in the licence Conditions and Codes of Practice (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.
- (i) As per the Commission's Guidance we will consider restricting the number and location of betting machines in respect of applications for betting premises licences. When considering the number, nature and circumstances of betting machines an operator wants to offer, the Commission's Guidance will be followed and take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of the staff to monitor the use of machines.
- (j) This Authority will have regard to the local area profile set out in Section 5 of this policy and to the risk assessment compiled in response to it.



## **8.7 Betting Premises Licence (In Respect Of a Track)**

### **8.7.1 General**

- (i) Tracks are sites (including football stadium, horse racecourses and dogtracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.
- (ii) The holders of a track premises licence do not need to have an operating licence issued by the Gambling Commission unless they themselves wish to offer betting facilities at the track. Under the legislation the licence allows anyone with an operating licence to offer ‘on course’ betting facilities at a licensed track.
- (iii) Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specified area of the track. There can be a ‘main’ premises licence and, in addition, ‘subsidiary’ premises licences for the parts of the track not covered by the main licence.

### **8.7.2 Children and Young Persons**

- (a) Children and young persons are allowed to be present on a track licensed premises whilst betting is taking place, although they not allowed to enter areas of the track where gaming machines (other than category D machines) are provided. Therefore the Licensing Authority will carefully consider the impact of the licensing objective of the protection of children and vulnerable persons in relation to each application for premises licences at a track.
- (b) We will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gambling/gaming facilities.
- (c) Appropriate measures/ licence conditions may cover issues such as:
  - proof of age schemes;
  - CCTV;
  - the numbers of staff on duty;
  - door supervisors;
  - supervision of entrances/machine areas;
  - the physical separation of, and clear distinction of areas;
  - location of entry;

- notices/signage.

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

## **8.8 Betting machines (also known as Bet Receipt Terminals) at tracks**

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

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

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

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

### **8.8.2 Condition on rules being displayed at tracks**

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

### **8.8.3 Applications and plans for tracks**

(a) Applicants must comply with any relevant regulations or guidance issued by the Gambling Commission in relation to applications for tracks. Applicants must ensure that the Licensing Authority is made completely aware of what it is being asked to licence.

- (b) The information submitted with the application must include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of:
  - dog tracks and horse racecourses
  - fixed and mobile pool betting facilities operated by the Tote or track operator; and
  - other proposed gambling facilities.
- (c) The plans should make clear what is being sought for authorisation under the track betting premises licence. It must also be made clear what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- (d) Unless there is a compelling reason to not do so, the Licensing Authority will require all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This will ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **8.9 Travelling Fairs**

- 8.9.1 Travelling fairs (as defined in the Act) may provide an unlimited number of Category D gaming machines and equal chance prize gaming without the need for any authorisation from the Licensing Authority, provided that such facilities amount to no more than an ancillary amusement at the fair.
- 8.9.2 There is a 27-day per calendar year statutory limit for a piece of land being used as a fair, and this regardless of whether it is the same or different travelling fairs using the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries are monitored so that the statutory limits are not exceeded.

## **9. Other relevant processes**

### **9.1 Provisional Statements**

- 9.1.1 Application for a provisional statement can be made for premises that an applicant expects to be constructed or to be altered, or expects to acquire the right to occupy. Representations can be made against an application for a provisional statement in the same manner as for a premises licence. The process for considering an application for a provisional statement is the same as that for premises licences (with the exceptions that an applicant need not have the right to occupy the premises and need not have an operating licence).
- 9.1.2 Once the premises have been constructed, altered or acquired by the holder of a provisional statement, they can put in an application for the necessary

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

9.1.3 No further representations from relevant authorities or interested parties can be taken into account in relation to the premises licence application unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by way of representations at the provisional licence stage, or
- 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 and
- information submitted with the provisional statement application.

This must be a substantial change to the plan and the Licensing Authority will discuss any concerns they have with the applicant before making a decision. Section 210 of the Act (which applies to premises licences and provisional statements) makes it clear that a Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

## **9.2 Reviews**

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

9.2.2 Initiation of review by Licensing Authority

- The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review, or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by Licensing Committee or one of its Sub-Committees.
- In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence general reviews, the Licensing Authority will most likely be acting as a result of specific concerns or complaints about particular types of

premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence.

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

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

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

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

9.2.5 If the application raises issues that are not relevant to the current Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then the Licensing Authority may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that the Authority is required to permit the use of premises for gambling in so far as we think that permission is in accordance with the matters set out in that section.

9.2.6 Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;

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

the basis of the same arguments considered on the grant of the premises licence.

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

- any relevant current code of practice issued by the Commission;
- any relevant current guidance issued by the Commission;
- the licensing objectives;
- the Council's Statement of Gambling Principles, and
- The Gambling Act 2005 and the regulations made thereunder

9.2.8 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

9.2.9 There is a right of appeal against the Council's decision.

### **9.3 Rights of appeal and judicial review**

9.3.1 The Council is required by law to give reasons for a rejection of an application, but it is also good practice for it to give reasons for all decisions. Failure to give reasons may result in an appeal of the decision or the suggestion that the Council did not have regard to all the relevant information when making its decision, in line with its obligation under s.153 of the Act. It is particularly important that reasons should reflect the extent to which the decision has been made with regard to the licensing authority's policy statement and this Guidance. Reasons for decisions should be made available to all of the parties of any process. The Council's decision may be subject to judicial review. Details relating to appeals against decisions by a licensing authority are set out in s.206 - 209 of the Act.

### **9.4 Who can appeal?**

9.4.1 The table below identifies who can appeal different types of premises licence decisions.

Type of decision	Section of Act	Who may appeal
Decision to reject an application for a premises licence or to vary a premises licence, or an application for a provisional statement	s.165, s.187 and s.188	The applicant
Decision to grant an application for a premises licence or to vary a premises licence, or an application for a provisional statement	s.164, s.187 and s.188	<ul style="list-style-type: none"> <li>• The applicant*</li> <li>• Any person who made representations on the application</li> </ul>
Decision to take action or to take no action following a review	s.202	<ul style="list-style-type: none"> <li>• The applicant</li> <li>• Any person who made representations on the application</li> <li>• The person, if any, who applied for the review</li> <li>• The Commission</li> </ul>

Table 3: Appealing premises licence decisions

## 9.5 Who to appeal to

- 9.5.1 An appeal against a decision of a licensing authority is made to the Magistrates' Court, then to the High Court if necessary. As soon as the appeal decision has been notified to all parties, the Council will implement the Court's decision as soon as possible.

## 10. Other Consents

### 10.1 Temporary use notices (TUN)

- 10.1.1 A TUN allows the use of premises for gambling where there is no premises licence but where a licensed gambling operator wishes to use the premises temporarily for providing facilities for gambling. The type of premises that might be suitable for a Temporary Use Notice could include hotels, conference centres and sporting venues.

- 10.1.2 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) state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments, dominoes, backgammon, mah-jong or bingo.
- 10.1.3 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Commission's guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority will need to look at, amongst other things, the ownership/occupation and control of the premises.
- 10.1.4 The holder of an operating licence must give notice to the licensing authority in whose area the premises are situated. The Secretary of State has prescribed the form of the notice which must specify information including:
- the type of gaming to be carried on;
  - the premises where it will take place;
  - the dates and times the gaming will take place;
  - any periods during the previous 12 months that a TUN has had effect for the same premises;
  - the date on which the notice is given;
  - the nature of the event itself.
- 10.1.5 This Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises as recommended in the Commission's Guidance to Licensing Authorities.
- 10.1.6 Appeals

An appeal against the Licensing Authority's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrates' court within 14 days of receiving notice of the authority's decision. There is a further right of appeal to the High Court or Court of Session on a point of law.

## **10.2 Occasional use notices**



10.2.1 An occasional use notice permits licensed betting operators to use tracks for betting on eight days or fewer in a calendar year, where the event is of a temporary nature. Betting may therefore be permitted by an occasional use notice without the need for a full premises licence. The licensing authority has very little discretion regarding these notices besides ensuring that the statutory limit of eight days a year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

10.2.2 Tracks are usually regarded as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify.

### **10.3 Gaming machines**

10.3.1 Gaming machines cover all types of machine on which people can gamble, subject to a few exemptions. The Act sets out the categories of gaming machine and the number of such machines that may be permitted in each type of gambling premises. There are four categories of gaming machine: categories A, B, C and D with category B divided into a further five subcategories.

10.3.2 There is a minimum age of 18 for all players for all category A, C and C machines. However, there is no minimum age for players of category D machines. The holder of any permit must comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.

10.3.3 The maximum number of machines permitted and in the case of casinos the ratios between tables and machines is set out in Appendix C.

### **10.4 Permits**

10.4.1 Licensing Authorities may issue a range of permits for gambling which are designed as a light touch approach to low level ancillary gambling. They are used where stakes and prizes are subject to very low limits and/or gambling is not the main function of the premises. As a Licensing Authority, this Council may only grant or reject an application for a permit. It may not attach any conditions to the permit.

10.4.2 Holders of alcohol-licensed premises gaming machine permits and club permits are required to comply with the Commission's codes of practice on the location and operation of machines.

10.4.3 Licensing Authorities may issue the following permits:

- Family entertainment centre gaming machine permits;
- Club gaming permits and club machine permits;

- Alcohol-licensed premises gaming machine permits;
- Prize gaming permits.

## **10.5 Unlicensed Family Entertainment Centre**

- 10.5.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (section 238 of the Act).
- 10.5.2 The Act enables a Licensing Authority to prepare a statement of principles which it proposes to consider when determining the suitability of an applicant for a permit. In preparing this statement and/or considering applications it may have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission. The Commission's guidance advises that given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to child protection issues.
- 10.5.3 The council may only grant a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. The Council cannot attach conditions to this type of permit but may ask applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
  - that staff are trained to have a full understanding of the maximum stakes and prizes (24.7);
  - appropriate measures/training for staff regarding suspected truant school children on the premises; and
  - measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

## **10.6 Club Gaming and Club Machines Permits**

- 10.6.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.
- 10.6.2 Members Clubs, Miner's welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial

Clubs may not site category B3A gaming machines offering lottery games in their club.

10.6.3 The Commission's Guidance states: "Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations". The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

10.6.4 There is a fast-track procedure which prevents objections to be made by the Commission or the police, and reduces the grounds on which an authority can refuse a permit. The grounds for refusal are:

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

10.6.5 However, the Council may refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a 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;
- an objection has been lodged by the Commission or the Police.

10.6.6 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.

## **10.7 Premises licensed to sell alcohol**

- 10.7.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to have 2 gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority.
- 10.7.2 This local authority expects all licensees to adhere to the:
- Code of Practice for gaming machines in alcohol licenced premises
  - Code of Practice for equal chance gaming in alcohol licensed premises.
- 10.7.3 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 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 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.
- 10.7.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives and any guidance issued by the Commission under S.25 of the Gambling Act 2005 and any other relevant matters.
- 10.7.5 This Licensing Authority considers that such matters will be decided on a case by case basis but will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18s do not have access to the adult-only gaming machines. Measures which will satisfy the authority will include that the adult machines be in direct sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage shall be used with regards to age restriction. Applicants shall provide information leaflets/helpline numbers for organisations such as GamCare.
- 10.7.6 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 10.7.7 The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **10.8 Prize gaming and prize gaming permits**

- 10.8.1 Prize gaming relates to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. The Council can issue a prize gaming permit to authorise the licence holder to provide facilities for gaming with prizes on specified premises.
- 10.8.2 A casino operating licence permits the licence holder to provide all games of chance, except any form of bingo which, is excluded from the scope of the casino licence. If a casino wishes to provide bingo generally, it would need to obtain a bingo operating licence, with the proviso that only one premises licence may be issued for any particular premises at any time, so the premises would need to be distinct.
- 10.8.3 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 guidance from the Commission. (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 10.8.4 The permit holder must comply with the relevant conditions in the Act, 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; 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.
- 10.8.5 The permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.
- 10.8.6 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. A permit will be still valid pending renewal including an appeal against a decision not to renew. The permit must be kept on the premises and it is an offence not to produce it when requested to do so by a constable, an enforcement officer, or an authorised local authority officer. There is a right of appeal against a decision not to grant or renew a permit.

## **11. Non-commercial and private gaming, betting and lotteries**

The Act allows gambling without any specific permissions under limited circumstances as follows:

- non-commercial gambling;
- incidental non-commercial lotteries;
- private gaming and betting.

### **11.1 Non-commercial gaming**

This is allowed if it occurs at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if it is organised by or on behalf of a charity or for charitable purposes; or it enables participation in or support of athletic or cultural activities. It will therefore be possible to raise funds for a local hospital appeal or a charitable sporting endeavour. Events such as race nights or casino nights are also permitted if they comply with the regulations and profits go to a 'good cause'.

### **11.2 Incidental non-commercial lotteries**

- Licensing Authorities are responsible for registering societies to run Small Society Lotteries.
- Incidental non-commercial lotteries, private lotteries and customer lotteries do not require to be registered.
- The definitions of the above types of lottery are contained in Schedule 11 of the Act.
- Other lotteries require an operating licence from the Gambling Commission.

### **11.3 Private gaming**

- 11.3.1 This can take place anywhere to which the public do not have access, for example, a workplace. Domestic and residential gaming may be permitted subject to the following conditions:
- 11.3.2 Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling; if it is on a domestic occasion; and if no charge or levy is made for playing.
- 11.3.3 Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and if more than 50% of the participants are residents.
- 11.3.4 Private gaming can potentially take place on commercial premises if a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very

carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are members of the club.

## **12. Poker**

### **12.1** Poker can be played legally in the following circumstances:

- in casinos (including under temporary use notice)
- as exempt gaming in clubs and alcohol-related premises;
- under a club gaming permit
- as non-commercial gaming
- as private gaming

### **12.2** **Poker in casinos**

12.2.1 Poker can be played in casinos licensed by the Commission. Casinos can also run poker tournaments at temporary venues for a limited amount of time under temporary use notices (TUNs). Where a third party organisation is involved in a poker competition held in a licensed casino, the casino operator must bear full responsibility for that competition. Similarly, where an online competition culminates in live competition in a casino, the online partner may provide systems and staff for the event, but responsibility lies with the operator whose premises are being used.

12.2.2 A casino may have a commercial relationship with an agent to promote poker in the casino, but the poker games that result are the responsibility of the casino and not of the agent.

### **12.3** **Poker in alcohol-licensed premises**

12.3.1 The Commission actively engages with the larger national and regional organisers of poker leagues to remind them of the limited exemptions that apply to poker being offered in pubs. This authority conducts appropriate enforcement to detect and prevent infringements of such localised requirements as stake and prize limits, because the Council issued the alcohol premises licence in the first place.

12.3.2 In some poker tournaments the organisers offer 'prizes' at the end of a series of weekly games for the players with the most points. It is likely that the association of a prize with a monetary value with a game or series of games constitutes gaming. Therefore, if the eventual prize is worth more than the maximum prize set out in regulations then it could be unlawful gaming. For example, if a tournament simply involves a series of straightforward 'knockout' qualifying rounds, culminating in a 'final' game, then the winner's prize in the final – whether it comprises the stakes laid in that game, a separate prize provided by the

organiser, or a combination of the two – must not exceed £100, which is the limit set by the regulations.

## **12.4 Poker under a club gaming permit**

- 12.4.1 A club gaming permit can only be granted to a members' club (including a miners' welfare institute), but cannot be granted to a commercial club or other alcohol-licensed premises. Other than in the case of clubs established to provide facilities for gaming of a prescribed kind (currently bridge and whist), clubs seeking club gaming permits must be established 'wholly or mainly' for purposes other than gaming. When a club gaming permit is granted there are no limits on the stakes and prizes associated with poker.
- 12.4.2 If a club established to provide facilities for gaming of a prescribed kind (currently bridge and whist) has a club gaming permit, it may not offer any other gaming besides bridge and whist. If such a club does not have a permit, it may provide exempt gaming provided it is not established to function for a limited period of time and it has at least 25 members. If it wishes to offer other non-exempt gaming it will require a Commission casino operating licence and any relevant personal licences.
- 12.4.3 The poker which a club gaming permit allows is subject to the following conditions:
- (a) In respect of equal chance gaming:
    - (i) the club must not deduct money from sums staked or won the participation fee must not exceed the amount prescribed in regulations; and
    - (ii) the game takes place on the premises and must not be linked with a game on another set of premises.
  - (b) Two games are linked if:
    - the result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
    - the amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game;
    - a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
    - only club members and their genuine guests participate.
  - (c) In respect of other games of chance:
    - the games must be pontoon and chemin de fer only;
    - no participation fee may be charged otherwise than in accordance with the regulations;



- no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

12.4.4 All three types of gaming are subject to the 48 hour rule, meaning that the games may only be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

## **12.5 Poker as non-commercial gaming**

12.5.1 This is allowed if it takes places at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. One or more persons may benefit from the proceeds of such events if the activity is organised by or on behalf of a charity or for charitable purposes; or to enable participation in or support of athletic or cultural activities.

12.5.2 It would be possible to raise funds for an individual providing the proceeds were for example a wheelchair or to support a sporting endeavour. Events such as poker nights or casino nights are also permitted if they comply with the regulations and are run on a non-commercial basis.

## **12.6 Poker as private gaming**

12.6.1 Poker offered as private gaming can take place anywhere to which the public do not have access, including a workplace. Domestic and residential gaming are two subsets where non-equal chance gaming is allowed.

- Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling or it is on a domestic occasion and no charge or levy is made for playing.
- Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and more than 50% of the participants are residents.

12.6.2 Private gaming can potentially take place on commercial premises in circumstances where a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are not selected by a process which means that, in fact, they are members of the public rather than members of the club.

12.6.3 The law in this area is complex. It is contained in SI No 3157/2007: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007. Organisers should be advised to seek their own legal advice before proceeding with the event. 29.48 It is a condition of private gaming that no charge (by whatever name called) is made for participation and Schedule 15 to the Act makes it clear that a deduction from

or levy on sums staked or won by participants in gaming is a charge for participation in the gaming. It is irrelevant whether the charge is expressed to be voluntary or compulsory, particularly if customers are prevented from playing if they do not make the 'voluntary' donation, or there is strong peer pressure to make the donation.

- 12.6.4 A relevant decided case in another licensing field is that of *Cocks v Mayner* (1893) 58 JP 104, in which it was found that an omnibus said to be available free of charge but whose passengers who were invited to (and in some cases did) make a voluntary contribution was 'plying for hire' without the appropriate licence.

## **12.7 Advertising**

- 12.7.1 The Gambling (Licensing and Advertising) Act 2014 amended the Act so that from 1 November 2014, gambling operators that provide facilities for remote gambling or advertise to consumers in Great Britain will require a licence issued by the Commission. As an example, many poker websites promote other online gambling websites, usually by the provision of a hyperlink to that website. A hyperlink has been deemed to constitute advertising as it brings facilities for advertising to the attention of the person who clicks on the link.
- 12.7.2 It is not an offence to advertise non-remote gambling that is offered by operators not licensed by the Commission. For example, a prize could now include entry into a poker tournament, subject to meeting the appropriate prize limits.

## **13. Small society lotteries**

### **13.1 Introduction**

Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within two categories:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.
- The Council will need to know the purposes for which a society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, has been established so as to ensure that it is a non-commercial organisation. S.19 of the Act defines a society as such if it is established and conducted:
  - for charitable purposes, as defined in s.2 of the Charities Act 2006;
  - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;

- for any other non-commercial purpose other than that of private gain.

13.1.1 Participation in a lottery is a form of gambling, and as such licensing authorities must be aware that the societies they register are required to conduct their lotteries in a socially responsible manner and in accordance with the Act. The minimum age for participation in a lottery is 16 and Social Responsibility (SR) code 3.2.9 requires lottery licences to have effective procedures to minimise the risk of lottery tickets being sold to children, including:

- procedures for: checking the age of apparently underage purchasers of lottery tickets;
- taking action where there are unlawful attempts to purchase tickets.

13.1.2 The licensee must take reasonable steps to ensure that all those engaged in the promotion of lotteries understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

13.1.3 Licensing Authorities may propose to refuse an application for any of the following reasons:

- an operating licence held by the applicant for registration has been revoked; or
- an application for an operating licence made by the applicant for registration has been refused within the past five years;
- the society in question cannot be deemed non-commercial;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in schedule 7 of the Act;
- information provided in or with the application for registration is found to be false or misleading.

## **13.2 External lottery managers' licence status**

13.2.1 External lottery managers (ELMs) are required to hold a lottery operator's licence issued by the Commission to promote a lottery on behalf of a licensed society. However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors.

13.2.2 Key indicators will include:

- who decides how the lottery scheme will operate;
- who appoints and manages any sub-contractors;

- the banking arrangements for handling the proceeds of the lottery;
- who sells the tickets and pays the prizes;
- who controls promotional aspects of the lottery.

13.2.3 Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences held on its website.

### **13.3 Lottery tickets**

13.3.1 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society;
- the price of the ticket, which must be the same for all tickets;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM;
- the date of the draw, or information which enables the date to be determined.

13.3.2 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it. The Commission recommends that licensing authorities require all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority has powers to inspect the records of the lottery for any purpose related to the lottery.

13.3.3 The Act stipulates that lottery tickets may only be sold by persons who are aged 16 or over to persons who are aged 16 or over. With regards to where small society lottery tickets may be sold, this Council will adhere to the Commission's recommendations and apply the following criteria to all small society lottery operators:

- lottery tickets must not be sold to a person in any street, bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not;
- tickets may, however, be sold in a street from a static structure such as a kiosk or display stand;
- tickets may also be sold door to door;

- licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

13.3.4 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

#### **13.4 Application and registration process for small society lotteries**

13.4.1 On receipt of an application for a small society lottery this Authority will check the:

- society status – the society in question must be ‘non-commercial’;
- lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

13.4.2 The promoting society of a small society lottery must be registered with the Licensing Authority where their principal office is located throughout the period during which the lottery is promoted. If this Licensing Authority believes that a society’s principal office is situated in another area, it would inform the society and the other Licensing Authority as soon as possible.

13.4.3 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application. Applicants will be asked to provide a copy of their terms and conditions and a declaration, stating that they represent a bona fide non-commercial society.

13.4.4 In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.

13.4.5 Because of this possibility, this Licensing Authority will carefully consider any application by a society for more than one registration. If the aims and objectives are the same and therefore the threshold limits for small society lotteries are likely to be exceeded, the applicant will be advised to apply to the Commission for a society lottery operating licence.

13.4.6 By virtue of Schedule 11 paragraph 31(5), societies may not hold an operating licence and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of 3 years during which a large society cannot convert to small society status. Licensing Authorities should check that applicants for registration do not hold (and have not held in the preceding 3 years) a society lottery operating licence granted by the Commission.

- 13.4.7 This authority will also wish to check with the society at the time the annual fee is paid to renew the registration, to ensure that a society does not hold a duplicate registration with this council or another local authority where the aims and objectives of the societies are the same. If that is the case and the combined proceeds exceed or are likely to exceed the threshold limits for small society lotteries, the society will be advised to apply to the Commission for a society lottery operating licence. This Licensing Authority will also notify the Commission.
- 13.4.8 Once the application for registration has been accepted and entered on the local register, the Licensing Authority must then notify both the applicant and the Commission of this registration as soon as practicable. The Commission would prefer to receive this information electronically via email to [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk).
- 13.4.9 Registrations run for an unlimited period, unless the registration is cancelled. If a Licensing Authority cancels the registration of a society they are required by paragraph 53 of Schedule 11 of the Act to notify the Commission.

### **13.5 Refusal of an application**

- 13.5.1 Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for licensing authorities to refuse a small society lottery registration application. A Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. Licensing Authorities should inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence.
- 13.5.2 In summary, Licensing Authorities may propose to refuse an application for any of the following reasons:
- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years;
  - the society in question cannot be deemed non-commercial;
  - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act;
  - information provided in or with the application for registration is found to be false or misleading.

### **13.6 Revocation of a small society's registered status**

- 13.6.1 A Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. A revocation cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, licensing authorities should inform the society of the reasons why it is minded to revoke the

registration and provide them with the evidence on which it has reached that preliminary conclusion. Representations that may result after such a decision will be handled in accordance with local procedures.

### **13.7 Appeals**

- 13.7.1 Following the conclusion of any hearings and receipt of representations, paragraph 51 of Schedule 11 to the Act then requires the authority to notify the applicant or the society as soon as possible if their registration is still to be revoked, or if their application for registration has still been rejected.
- 13.7.2 The applicant or society may appeal to the Magistrates' Court against the decision within 21 days following receipt of the notice of the decision to lodge an appeal. On appeal they may choose to affirm the decision of the Licensing Authority, reverse the decision, or make any other order.
- 13.7.3 The Society or its external lottery managers must submit returns containing certain information to the Licensing Authority. This information allows licensing authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.
- 13.7.4 The following information must be submitted:
- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
  - the total proceeds of the lottery; the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
  - the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
  - the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
  - whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.
- 13.7.5 This Council requires returns to be submitted electronically at [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk).

### **14. Chain gift schemes**

- 14.1 It is an offence to invite others to join a chain gift scheme or to participate knowingly in the promotion or administration of such a scheme. These schemes are similar to pyramid selling schemes, but escape the ban on them because they do not involve the sale of any product. If this Council becomes aware of such a scheme operating in the Borough, the Trading Standards team will investigate

to ascertain if an offence under the Consumer Protection from Unfair Trading Regulations 2008 has been committed. A person found guilty of the offence could be liable to a fine or imprisonment.

## **14.2 Street collectors selling game cards**

14.2.1 If this Council becomes aware of street sellers in the borough approaching the public to sell them game cards 'to raise money for good causes', it will ask the Trading Standards to investigate. It will be unlikely that the product being sold is a legal lottery. This is because societies selling larger lotteries are not permitted to sell lottery tickets in the street.

## **15. Compliance and Enforcement Matters**

### **15.1 Good practice in regulation**

15.1.1 The Council has a duty to have regard to the statutory principles of good regulation as set out in the Regulators' Code. These provide that regulation should be carried out in a way that is:

- (a) Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- (b) Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - a. Consistent: rules and standards must be joined up and implemented fairly;
  - b. Transparent: regulators should be open and keep regulations simple and user friendly; and
  - c. Targeted: regulation should be targeted only at cases in which action is needed; it should focus on the problem and minimise side effects.

15.1.2 The Regulator's Code is enshrined in the Council's own Enforcement Policy with which every enforcement officer is required to adhere. As per the Commission's Guidance for licensing authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

15.1.3 This licensing authority has adopted and implemented a risk-based inspection programme based on:

- the licensing objectives;
- relevant codes of practice;
- guidance issued by the gambling commission, in particular at part 36; and
- the principles set out in this statement of licensing policy.

15.1.4 As well as ensuring that all enforcement activity is proportionate, consistent, transparent and accountable, the policy also requires that activity is targeted



primarily on those activities and premises which give rise to the most serious risks or where risks are least well controlled. This will be intelligence led approach. Regard will also be had to the local area profile set out in this policy.

- 15.1.5 This risk based approach will also be applied to inspections of premises to ensure that high risk premises requiring greater level of attention will be targeted whilst low risk premises will receive a lighter touch. Premises will be assessed on the basis of
- The type and location of the premises
  - The past operating history of the premises
  - The confidence in management
  - The arrangements in place to promote the licensing objectives
- 15.1.6 Where appropriate to do so, this Authority will work with other responsible authorities to promote the licensing objectives through enforcement. Compliance will normally be sought through early engagement, mediation, education and advice. In cases where this is not possible officers will seek to achieve compliance through the most appropriate route having regards to all the relevant matters. Where appropriate, regard will be given to primary authority directions.
- 15.1.7 When a decision of whether or not to prosecute is required then this Authority will follow the principle criteria from the Guidance in the Code for Crown Prosecutors which requires the two main tests to be considered:
- Whether the standard of evidence is sufficient for a realistic prospect of conviction
  - Whether a prosecution is in the public interest.
- 15.1.8 The main enforcement and compliance role for this licensing authority in terms of the Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Commission will be the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Commission.
- 15.1.9 This Licensing Authority recognises that certain bookmakers and other licensed premises operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual within the organisation/company, and whom the authority may contact first should any compliance queries or issues arise.

## **15.2 Enforcement Related Fees**

- 15.2.1 Licensing Authorities compliance and enforcement work and the costs of dealing with illegal gambling is covered by fees from premises licences and permits. The Act requires licensing authorities to “aim to ensure that the income from fees ... As nearly as possible equates to the costs of providing the service to which the fee relates and work, including the cost of dealing with illegal gambling in a

Licensing Authority's area". This Council will closely track its costs to demonstrate how it arrived at the fee and will review such fees annually.

### **15.3 Application Forms**

- 15.3.1 This Council has provided information on how to make applications for licences and other permissions under the Act. Linked to this information is an online application form as well as a list of 'responsible authorities' and their appropriate contact details. As there are no prescribed application forms for family entertainment centres, prize gaming, or licensed premises gaming machine permits, this Council will accept applications for these licences in the hard copy which can be downloaded from [www.brent.gov.uk/business](http://www.brent.gov.uk/business).

### **15.4 Enforcement officers and authorised persons**

- 15.4.1 S.303 of the Act enables the Commission to designate employees of the Commission and to appoint persons other than employees as enforcement officers for the purpose of the Act. Such persons are deemed to be authorised if:
- the premises are wholly or partly situated in the authority's area; and
  - the officer is designated by the authority as an authorised person for the purposes of s.304.
- 15.4.2 These authorised persons will exercise their inspection powers in accordance with the principles set out in the Licensing Authority's policy statement.

### **15.5 Powers of entry**

- 15.5.1 The Act states that authorised persons, constables and enforcement officers may: undertake activities for the purpose of assessing compliance with provisions made under the Act or to assess whether an offence is being committed under the Act; enter premises if they reasonably suspect that facilities for gambling are being, are about to be, or have been provided on the premises. This would include a private club but does not apply if the suspected gambling is private or non-commercial gaming or betting.(s.307).
- 15.5.2 If in doubt, this Licensing Authority will:
- (a) seek legal advice about also securing a warrant issued by a justice of the peace to enter a premises in respect of which an application has been made for a family entertainment centre (FEC) gaming permit to consider the application, or to enter a premises in respect of which a FEC gaming machine permit has effect, in order to determine compliance with gaming machine permit requirements (s.309);
  - (b) enter premises with 'on-premises' alcohol licence to determine if any gaming that is taking place satisfies the conditions for exempt gaming in s.279 of the Act, to ascertain that any bingo taking place meets the requirements of the Act, or to ascertain the number and category of gaming machines being made available for use on the premises (s.310);

- (c) enter premises in respect of which an application has been made for a prize gaming permit, to consider the application, or to enter a premises in respect of which a prize gaming permit has effect in order to determine whether prize gaming on the premises complies with the requirements of the Act and regulations under it (s.311).

15.5.3 Where an application for a club gaming permit or club machine permit has been made, enforcement officers or the police may also enter a members' club, a commercial club or miners' welfare institute under for matters connected with consideration of the application, to determine whether gaming is taking place or is about to take place on the premises; and such gaming meets the requirements for exempt gaming in section 269 of the Act, a club gaming permit or a club machine permit.

15.5.4 Only police officers and enforcement officers can enter the premises that have been granted a permit to determine if the things being done are in accordance with that permit (and not primarily because they suspect a crime is taking place/has taken place). Under s.318 of the Act a constable, enforcement officer or authorised person can only enter a dwelling under a warrant issued by a justice of the peace. In all circumstances, only a police officer or enforcement officer can seize evidence. Further detail about powers of entry and inspection are set out in Appendix G of the Guidance.

## **15.6 Illegal gambling**

15.6.1 The prevention of illegal gambling is an enforcement priority for the Council. Combating illegal gambling is of significant benefit to the licensed community as the provision of illegal unregulated gambling impacts upon the reputation of the industry as a whole. The persistent and widespread existence of illegal gambling also reduces the incentive on operators to be correctly licensed. The Council will take formal enforcement action against those providing or facilitating illegal gambling in one premises. But the Commission will generally take the lead in prosecuting the offence of providing facilities for widespread and organised gambling.

## **15.7 Test purchasing and age verification**

15.7.1 The Council will carry out test purchasing to detect whether children and young persons are accessing adult only gambling premises or are engaged in gambling intended for adults. Appropriate enforcement action will be taken against offenders.

## **15.8 Primary Authority**

15.8.1 The PA scheme, administered by the Better Regulation Delivery Office (BRDO) provides for a statutory partnership to be formed between a business and a single authority, e.g. a local authority. That single authority, the PA, can provide a national inspection strategy within which other local regulators can operate, to improve the effectiveness of visits by local regulators and enable better sharing

of information between them. The PA scheme therefore aims to ensure that local regulation is consistent at the national level.

- 15.8.2 Since October 2013, the PA has been extended to include age-restricted sales of gambling in England and Wales. This means local authorities in England and Wales must follow any age restricted sales of gambling national inspection plans and strategies that are published on the PA register when considering proactive age restricted sales (gambling) activity including testing. The inspection plans are designed to be largely uniform and to bring consistency to proactive test purchasing in those betting shops. These arrangements underpin the primary objectives of the Act in relation to protecting children from gambling-related harm and preventing them from accessing gambling facilities. PA plans do not prohibit licensing authorities undertaking reactive test purchasing. PA does not apply to the police or the Commission.

## **15.9 Prosecutions**

- 15.9.1 The Act gives licensing authorities in England and Wales, the police and the Commission the power to prosecute the offence of using premises for gambling without the requisite permissions. In exceptional circumstances, such as repeated deliberate breaches of premises licence conditions, licensed operators or permit holders may be prosecuted without any prior regulatory action, such as warnings, suspension or revocation of licence or removal of permit. Most prosecutions will be against those illegally providing gambling without a licence or permit.
- 15.9.2 There is a distinction between those who conduct gambling operations under a licence or permit but breach the conditions of that, and those who seek to profit from providing facilities for gambling without a licence or permit. While both situations result in unlawful gambling, the latter situation is generally considered by the Council and the Commission to be more serious.

### **CONTACT**

Planning, Transport & Licensing  
Licensing Team  
London Borough of Brent  
Civic Centre  
Engineers Way  
Wembley HA9 0JF

(020) 937 5262

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[www.brent.gov.uk](http://www.brent.gov.uk)

## Schedule 1: Summary of machine provisions by premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino(machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino(no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo premises <sup>1</sup>	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4						No limit on category C or D machines
Adult gaming centre <sup>2</sup>	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4						No limit on category C or D machines
Licensed family entertainment centre <sup>3</sup>							No limit on category C or D machines
Family entertainment centre (with permit) <sup>3</sup>							No limit on category D machines
Clubs or miners' welfare institute (with permits) <sup>4</sup>	Maximum of 3 machines in categories B3A or B4 to D						
Qualifying alcohol-licensed premises							1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)							Number of category C-D machines as specified on permit
Travelling fair							No limit on category D machines

Table 4: Summary of machine provisions by premises

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.

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## Schedule 2: Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
<b>A</b>	Unlimited – No category A gaming machines are currently permitted	
<b>B1</b>	£5	£10,000*
<b>B2</b>	£100	£500
<b>B3A</b>	£2	£500
<b>B3</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D – non-money prize</b>	30p	£8
<b>D – non-money prize (crane grab machines only)</b>	£1	£50
<b>D – money prize</b>	10p	£5
<b>D – combined money and non-money prize</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D – combined money and non-money prize (coin pusher or penny falls machines only)</b>	20p	£20 (of which no more than £10 may be a money prize)

Table 5: Summary of gaming machine categories and entitlements

\* With option of max £20,000 linked progressive jackpot on premises basis only

### Schedule 3: Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club or MW institute with club gaming permit	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 / week £250 / day £10 / person per game  Other gaming No limit	Poker £1000 / week £250 / day £10 / person per game Other gaming No limit	Poker £100 / premises per day  Other gaming £5 / person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 / game Other gaming No limit	Poker £250 / game Other gaming No limit	Poker £100 / game Other gaming No limit
Max participation fees – per person per day	Bridge/whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge/whist* £18 Other gaming £3 (for a commercial club) £1 (members' club)	Bridge/whist* £18 Other gaming £1	None permitted
Bankers/unequal chance gaming	Pontoon <i>Chemin de fer</i>	None permitted	None permitted	None permitted	None permitted
Limits on bingo **	Maximum of £2,000 / week in stakes or prizes.	No bingo permitted	Maximum of £2,000 / week in stakes or prizes.	Maximum of £2,000 / week in stakes or prizes.	Maximum of £2,000 / week in stakes or prizes.

Table 6: Summary of gaming entitlements for clubs and alcohol-licensed premises



## Schedule 4: Summary of offences under the Gambling Act 2005

### General offences regarding the provision of gambling facilities

Providing gambling facilities in Great Britain without a relevant licence, permit, notice, or exemption included under the Act.	S.33
Using premises to provide gambling facilities from, or causing them to be provided, without a relevant licence, permit, notice or exemption under the Act.	S.37

### Offence Regarding cheating at gambling

Cheating, attempting to cheat, or assisting another person to cheat at gambling.	S.42
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### Offence committed towards or by under 18s

Inviting, causing or permitting a child (under 16) or young person (16 – 17) to gamble, with the exception of:	
private / non-commercial gaming and betting	
participating in lotteries	
participating in football pools	
using a category D gaming machine	S.46
participating in equal chance gaming at premises subject of a prize gaming permit or an FEC	S.48
premises licence	
participating in prize gaming at a fair or an unlicensed FEC	
This offence includes intentional distribution of advertising to under-18s where the intent is to encourage gambling.	
It is also an offence on the part of a young person to gamble with the exception of situations listed above.	
Inviting or permitting a child or young person to enter:	
a casino	
a betting premises (except for betting areas of horse and greyhound tracks on race days)	S.47
an adult gaming centre	
areas of a family entertainment centre where category C gaming machines are situated.	S.49
This offence is committed at all times when the premises listed above are being used in reliance on the premises licence.	
It is also an offence on the part of a young person to enter the premises listed above.	

For a summary list of all offences under the Gambling Act 2005 please use the following link:  
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-D-Summary-of-offences-under-the-Gambling-Act-2005.aspx>

### **Schedule 5: Delegations of functions under the Gambling Act 2005**

The Council's Licensing Committee is responsible for discharging the majority of the Council's licensing functions under the Gambling Act 2005. The notable exceptions are the final approval of the Council's Statement of Gambling Principles (also known as Statement of Licensing Policy) and policy not to permit casinos. Both of these functions are reserved to full Council.

In practice, and in accordance with relevant statutory provisions, all those decisions which can be, have been delegated to officers. Further, the Alcohol and Entertainment Licensing Sub-Committee is responsible for considering and determining applications and other matters which cannot be determined by officers. That Sub-Committee can also consider and determine any other matters referred to it for determination by officers (e.g. matters which can be considered by officers but which is considered more appropriate for the Sub-Committee to do so).

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## **Schedule 6: List of Consultees to Statement of Licensing Principles**

**Persons or Bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions:**

### **Responsible Authorities**

- Metropolitan Police
- London Fire and Emergency Planning Authority
- Planning Authority, Brent Council
- Environmental Health, Brent Council
- Safeguarding Children's Board, Brent Council
- HM Customs and Excise
- London Borough of Brent Councillors
- Brent MPs and Member of the Greater London Authority
- All Brent Council Directorates
- Brent Community Safety Partnership
- Gamblers Anonymous
- Alcoholics Anonymous
- Brent Drug and Alcohol Action Team
- Brent Youth Offending Service National Probation Service
- National Association of Citizen Advice Bureaux
- Brent Samaritans
- Salvation Army
- Brent Magistrates' Court
- Brent Mind
- Brent Residents and Tenants Associations
- Help the Aged

**Persons or Bodies representing the interests of those carrying on gambling businesses in the borough:**

- Current holders of licences, permits, registrations etc. in the borough
- Gaming Machine Suppliers
- Association of British Bookmakers
- British Amusement Catering Trade Association
- British Casino Association
- Casino Operators Association
- The Association of Licensed Multiple Retailers
- British Beer and Pub Association
- British Institute of Innkeeping
- GamCare
- Brent Chamber of Commerce
- The Football Association
- Federation of Licensed Victuallers
- The Bingo Association
- The Working Men's Club & Institute Union
- Responsibility in Gambling Trust
- Remote Gambling Association
- The Lotteries Council

**Others**

- General Public - via Council Website and Press Release

*This is not an exhaustive list*

## Schedule 7: Glossary of terms

Applications	Applications for licences and permits
Authorised local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A Licensing Officer, an officer of an authority other than a Licensing Authority, both of who have been authorised for a purpose relating to premises in that authority area. The following are considered authorised persons:</p> <p>Inspectors are appointed under the Fire Precautions Act 1971</p> <p>Inspector appointed under the Health and Safety at Work, etc. Act 1974.</p> <p>Inspectors of Surveyors of ships appointed under the Merchant Shipping Act 1995;</p> <p>A person in a class prescribed in regulations by the Secretary of State.</p>
Automated Roulette Equipment	<p>2 types:</p> <p>(a) Linked to live game of chance, e.g. Roulette</p> <p>(b) Plays live automated game, i.e. operates without human intervention</p>
Automatic condition	Condition attached automatically to premises licences or authorisations. The Licensing Authority has no desecration not to include or modify them.
AWP machines	Amusement with Prizes Machines.
BACTA	British Amusement Catering Trade Association.
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Ring	An area that is used for temporary „on course“ betting facilities.
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	<p>(a) Regional Casino Premises Licence</p> <p>(b) Large Casino Premises</p>

	Licence (c) Small Casino Premises Licence (d) Casino permitted under transitional arrangements.
Club Gaming Machine Permit	Permit to enable the preemies to provide gaming machines (3 machines of Categories B C or D).
Code of Practice	Means any relevant code of practice under section 34 of the Gambling Act 2005.
Complex Lottery	An arrangement where: (a) Persons are required to pay to participate in the arrangement; In the course of the arrangement, one or more prizes are allocated to one or more members of a class; (b) The prizes are allocated by a series of processes; and (c) The first of those processes relies wholly on chance.
Council	Brent Council
Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub Committee or Licensing Officers.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Dual Use Computer	Definition in forthcoming Regulations. Exempt from a Gaming machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants

EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:</p> <p>(a) Small Society Lottery (required to register with Licensing Authorities)</p> <p>(b) Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair</p> <p>(c) Private Lotteries e.g. Raffle at a student hall of residence</p> <p>(d) Customer Lotteries e.g. Supermarket holding a hamper raffle</p>
External Lottery Manager	An individual, firm or company appointed by the small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery
Fixed Odds Betting	General betting on tracks,
Gaming	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. The prizes will be determined by the operator before the play commences
Gaming Machine	<p>Machine covering all types of gambling activity, including betting on virtual events.</p> <p>Categories – See Appendix E</p>
Guidance	Guidance issued by the Gambling Commission dated April 2006.
Human Rights Act 1998 Articles: 1, 6, 8 and 10	<p>Article 1: Protocol 1 – the right to peaceful enjoyment of possessions.</p> <p>Article 6: - the right to a fair hearing</p> <p>Article 8: - the right of respect for private and family life</p> <p>Article 10: - the right to freedom of expression.</p>
Incidental Non Commercial Lottery	<p>A lottery promoted wholly for purposes other than private game, and</p> <p>which are incidental to non commercial events (commonly charity fund raising event, lottery held at a school fete or at a social event such as a dinner dance)</p>
Information	Exchanging of information with other regulatory bodies under the

Exchange	Gambling Act (Schedule 7)
Interested Party	Interested parties can make representations about licence applications, or apply for a review of an existing licence. A person who: (a) Lives sufficiently close to the premises to be likely affected by the authorised activities. (b) Has business interests that might be affected by the authorised activities. (c) Represents persons in either of the above groups.
Irrelevant Representations	Where other legislation can cover the representation. Demand in premises licensing
Large Lottery	Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries on one calendar year exceed £250.00. This requires an Operating Licence.
Licensed Lottery	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.
Licensing Authority	The London Borough of Brent
Licensing Committee	A committee of 10 to 15 councillors appointed by the Council to represent the Licensing Authority.
Licensing Sub Committee	A sub committee of members appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act to determine applications.
Live Gaming	Gambling on a live game as it happens.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must: (a) Identify the promoting society (b) State the name and address of the member of Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and



	(c) State the date of the draw, or enable the date of the draw to be determined.
Mandatory Condition	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Members Club	A club that must: (a) have a least 24 members (b) be established and conducted „wholly or mainly“ for purposes other than gaming (c) be permanent in nature (d) Not established to make commercial profit controlled by its members equally
Notifications	Notification of temporary and occasional use notices
Non-commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not private gain.
Non Commercial Society/small society lotteries	A society established and conducted: (a) for charitable purposes. (b) for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or (c) for any other non commercial purpose other than that of private gain
Occasional Use Notice	Betting may be permitted on a „track“ without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting – Tracks	Betting that takes place on a track while races are taking place.
Operating Licences	Licence to permit individual and companies to provide facilities for

	certain types of gambling. They may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
Premises	Defined as „any place“. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks adult gaming centres and family entertainment centres.
Private Lotteries	3 Types of private Lotteries: (a) Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society.
	(b) Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises. (c) Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize Gaming	<input type="checkbox"/> Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. <input type="checkbox"/> The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.

Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he:  Expects to be constructed  Expects to be altered  Expects to acquire a right occupy
Racino	Casino located at a racecourse.
Regulations:	Regulations made under the Gambling Act 2005
Relevant Representations	Representations that relate to the Licensing Objectives or that raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Code of Practice.
Responsible Authorises	Responsible authorises can make representations about licence applications, or apply for review of an existing licence.  For the purposes of this Act, the following are responsible authorises in relation to premises:  (a) The Council Licensing Authority whose area the premises must wholly or mainly be situated; (b) The Gambling Commission; (c) Metropolitan Police (d) London Fire and Emergency Planning Authority, (e) Planning Authority, Brent Council; (f) Environmental Health, Brent Council (g) Brent's Safeguarding Children's Board (h) HM Customs and Excise.  N.B. In accordance with the Gambling Commission's guidance for local authorities designates the Brent Safeguarding Children's Board for this purpose.
SIA	Security Industry Authority
Simple Lottery	An arrangement where:  (a) Persons are required to pay to participate in the arrangement In  (b) the course of the arrangement, one or more prize are allocated to one or more members of a class; and

	(c) The prizes are allocated by a process which relies wholly chance.
Skills with Prize	A machine on which the winning of a prize is determined only by the Player's skill and there is no element of chance, e.g. trivia game machine Formula 1 simulators, shooting game Skills Machine are unregulated.
Small Lottery	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.
Small Society Lottery	A lottery promoted on behalf of non-commercial society, i.e. lotteries intended to raise funds for good causes.
Small Operations	Independent on course betting operators with only one or two employees or a bookmakers running just one shop.
Society	The society or any separate branch of such a society, on whose
Statement of Principles	Matters taken into account when considering an applicant's suitability for an application for FEC Permits etc.
Temporary Use Notice	To 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.
Small Operations	Independent on course betting operators with only one or two employees or a bookmakers running just one shop.
Totalisator or Tote	Pool betting on tracks.
Touch Bet Roulette	Where a player gambles on a live game of chance without actually being seated.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that „wholly or principally“ provides amusements and must be on

	a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.
Vessel; and Relevant Licensing Authority	The Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races i.e. images generated by computer to resemble races or other events.
Vulnerable	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 mental impairment, alcohol or drugs. For example this may include those persons who are under the influence of alcohol and/or are drunk. persons who are under the influence of alcohol and/or are drunk.
Young Person	An individual who is not a child but who is less than 18 years old.
	<p>Football temporary use notice</p> <p>Family entertainment centre gaming machine permit</p> <p>Club/miners welfare institute: equal chance gaming</p> <p>Club gaming permit</p> <p>Club machine permit</p> <p>Equal chance gaming, on – licensed premises</p> <p>Gaming machines: automatic entitlement, on – licensed premises</p> <p>Licensed premises gaming machine permit</p> <p>Travelling fair gaming machine</p> <p>Prize gaming permit</p> <p>Other prize gaming</p> <p>Ancillary equal chance gaming at travelling fairs</p> <p>Private gaming and betting</p>

	Non commercial prize gaming
	Non commercial equal chance gaming

Table 8: Summary of delegations of licensing functions

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