



DRAFT

**GAMBLING ACT 2005**  
**STATEMENT OF POLICY and PRINCIPLES**  
**~~2019 - 2022~~ 2022-2025**

Approved on: ~~5-December-2018~~  
Published on: 30 December ~~2018~~2021  
In effect from: 31<sup>st</sup> January ~~2019~~2022

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## ~~1—Background and Licensing Objectives~~

### ~~1~~

~~1.1~~ Wandsworth Council is the Licensing Authority under the Gambling Act 2005 (the “Act”), responsible for the processing of premises licences, permits, lottery registrations and temporary and occasional use notices for Gambling activities within the Borough.

~~1.2~~ Section 349 of the Act requires the Licensing Authority to draft, consult on and publish a statement of principles that they propose to apply in exercising their functions under the Act. Once published the Statement will be kept under review and, in any case, will be re-published every three years. The first statement of Principles was published in January 2007. This is the ~~6th~~<sup>5th</sup> Statement published by this Authority and is for the period ~~2022-19~~ – 2025~~2~~.

### ~~1.3 Section 25 of the Act states~~

~~“The (Gambling) Commission shall from time to time issue guidance as to (a) the manner in which local authorities are to exercise their functions under this Act, and (b) in particular, the principles to be applied by local authorities in exercising functions under this Act.”~~

### ~~1.4 The Gambling Commission explains in the introduction to its updated Guidance (5<sup>th</sup> Edition as amended) to Licensing Authorities:~~

~~“The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions. It does not seek to impose a ‘one-size fits all’ model across all licensing authorities. We recognise that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation.~~

~~1.5 This Guidance does not, therefore, attempt to fetter the discretion that licensing authorities have under the Act and it is not intended to replace their judgement in individual cases. Moreover, this Guidance cannot anticipate every set of circumstances that may arise and, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. There should, however, be strong 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.”~~

~~1.6 This Statement of Principles, therefore, generally follows the principles laid down in the Gambling Commission’s Guidance to Licensing Authorities.~~

~~1.3~~ In producing its statement, this Licensing Authority declares that it has had regard to the licensing objectives under the Act, the guidance issued by the Gambling Commission (published 1 April 2021) and the final statement will have regard to any responses from those consulted on the statement.

~~1.4~~ Notwithstanding this policy statement, each application received will be considered on its own merits, subject to the provisions of the Act, associated and subordinate legislation, and common law

## ~~2. Licensing Objectives~~

~~2.1~~ The Act ~~also~~ requires the Licensing Authority to carry out its various licensing functions so as to be reasonably consistent with the following three licensing objectives:

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- 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

~~3.0~~ 2.2 Wandsworth Council as Licensing Authority is aware that, as per Section 153 of the Act, in carrying out its licensing functions under the Act, particularly with regard to premises licences, it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's Statement of Policy and Principles

~~2.3~~ The Licensing Authority is under a duty to act fairly and rationally but cannot grant an application that does not satisfy the requirements of the preceding paragraph. Where there is conflict, the Gambling Commission Code of Practice and Guidance take precedence.

~~3.4~~ 2.4 Nothing in this Statement will override the right of any person to make an application under this Act and have that application considered on its individual merits. Equally nothing in the Statement will undermine the right of any person to make representations to an application, or seek a review of a licence where there is a legal power to do so.

#### 4.3 Profile of the Borough

3.1 The Borough of Wandsworth occupies an area of 34 square kilometres (3,426 hectares), stretching from Vauxhall in the east to the edge of Richmond Park in the west. It is bordered by the boroughs of Westminster, Kensington and Chelsea, Lambeth, Merton, Hammersmith and Fulham and Richmond upon Thames. The Borough is largely residential with an ~~estimated resident population at the 2011 census in 2018~~ of ~~324,400~~ 306,995. ~~It had a residential density of 90 persons per hectare in 2011 making it the 10<sup>th</sup> most densely populated borough in England and Wales and the 10<sup>th</sup> in London. It is the 9<sup>th</sup> most populated London Borough.~~ The age structure of residents differs significantly from both the national and Greater London average. The 20-44 year old age group represents ~~42.8%~~ 54% of the population, compared to ~~32.4~~ 34% nationally and ~~43%~~ in Greater London. ~~21.4~~ 16% are under the age of ~~19~~ 8 and ~~9.5~~ 8% over the age of 65. It is a multi racial Borough with ~~48.4~~ 53% of the population White British and just over one third of the population (35. ~~4~~ 5%) being born abroad.

3.2 Because of the density of residential population there are very few areas within Wandsworth that could be described as solely commercial or shopping areas. There are six town centres (Clapham Junction and Battersea, Putney, Wandsworth Town, Tooting, Balham and Nine Elms-Battersea Power Station) which are, themselves, residential in character. Although there are approximately 106,200 people working in the Borough a substantial proportion of the working population travel to jobs outside the Borough (71% of employed residents based on the 2011 census), particularly in Central London. This employment pattern results in the essentially residential character of large parts of the borough.

3.3 A map of the Borough is included in this Statement at Appendix A.

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#### 4 Licensing Authority functions

4.1 This document sets out the policies that this Authority will apply when making decisions upon applications or notifications made for:

- Premises licences (in respect of casinos, bingo premises, betting premises, tracks, adult gaming centres, family entertainment centres);
- Provisional Statements where premises are intended to provide gambling activities;
- Club Gaming permits and/or Club Machine Permits;
- Permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Notifications for the use of gaming machines in alcohol licensed premises for the use of two or fewer gaming machines;
- Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Registration of small society lotteries below prescribed thresholds;
- Prize Gaming Permits;
- Temporary Use Notices;
- Occasional Use Notices;

4.2 Local licensing authorities are not involved in licensing remote gambling (e.g. internet gambling). This will fall to the Gambling Commission. Neither are they involved in licensing the National Lottery nor regulating spread betting.

#### 5. Consultation

5.1 In preparing the statement the Council is required to consult with key stakeholders and interested parties. The following groups ~~were~~will be consulted between 2 August and 4 October 2021~~1st August 2018 and 9th October 2018~~:

- i) The Metropolitan Police;
- ii) The Fire Authority;
- iii) Operators of affected premises within the Borough;
- iv) Bodies representing businesses and residents of Wandsworth (including Town Centre Partnership Boards and Residents and Tenants Associations);
- v) Schools and Colleges;
- vi) Faith Groups
- vii) Wandsworth Safeguarding Adults and Children Boards
- viii) Wandsworth Health and Wellbeing Board
- ix) South West London and St Georges Mental Health NHS Trust
- x) Gamcare
- xi) Other Council departments;
- xii) Ward Councillors and local MP's;
- xiii) Adjoining Local Authorities
- xiv) The Gambling Commission
- xv) HM Revenue & Customs

5.2 A copy of the draft statement ~~was~~will also be published on the Council's website.

5.3 The final statement, taking into account all representations, ~~has been~~will be placed before a meeting of the Full Council and ~~has~~will be published on the Council's website.

Copies ~~were~~will also be placed in the Town Hall for a period of four weeks prior to full implementation.

~~5.4—A full list of consultees has been published on the Council's website together with the final statement.~~

## 6 Responsible Authorities and Interested Parties

6.1 The Act allows for two different types of groups to make representations for or against an application to the Licensing Authority and also to apply to have existing licences reviewed by the Authority. These groups are 'Responsible Authorities' and 'Interested Parties'.

6.2 The Responsible Authorities are:

- i) a licensing authority in whose area the premises wholly or partly lie;
- ii) the Gambling Commission;
- iii) the Metropolitan Police;
- iv) the London Fire Authority;
- v) the planning department;
- vi) the section of the Council responsible for the prevention of harm from pollution;
- vii) the body designated as competent to advise the authority on the protection of children from harm;
- viii) Her Majesty's Commissioners of Customs and Excise and
- ix) any other person prescribed by Regulation made by the Secretary of State

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

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

6.4 This authority designates Wandsworth Safeguarding Children Board for this purpose, but the Board may designate one of its members to be the person responsible for raising representations or applying for the review of an existing licence.

6.5 The contact details of all the Responsible Authorities under the Act are available via the Council's website at [www.wandsworth.gov.uk](http://www.wandsworth.gov.uk)

~~6.6~~ Interested parties are defined in S158 of the Act as someone who, in the opinion of the licensing authority,

- a. lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b. has business interests that might be affected by the authorised activities, or
- c. represents persons in either of these two groups.

6.7 The Licensing Authority is required to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. This Authority will abide by the following principles:

- a. Persons living close to the premises. Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. In determining what 'sufficiently close to the premises' means it will consider the examples of factors for considerations provided in the Gambling Commission's Guidance for local authorities namely:
  - the size of the premises;
  - the nature of the premises;
  - the distance of the premises from the location of the person making representations;
  - the potential impact of the premises (number of customers, routes likely to be taken by the customers visiting the premises);
  - the circumstances of the complainant e.g. whether an individual, a residential school for children with truanting problems; a residential hostel for vulnerable adults.
- b. Persons with business interests that could be affected. Each case will be decided upon its merits having regard to the Gambling Commission's Guidance It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships (such as Town Centre Partnership Boards), charities, faith groups and medical practices.
- c. Persons representing those in the above categories. Interested parties can include trade associations and trade unions, and residents' and tenants' associations. However, these bodies will only be viewed as interested parties if they have a member who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

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

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

## **7 Notice of application**

- 7.1 In addition to the statutory notice of application, this Authority will carry out the following additional consultation with interested parties in the case of new premises licence applications and variation applications:
  - Notify Ward Councillors and any other person/body who has asked to receive such notification..

## **8 Exchange of Information**

- 8.1 Licensing Authorities are required to include in their Statement, the principles to be applied when exchanging information with the Gambling Commission and other persons or bodies listed in Schedule 6 of the Act. In exchanging such information this Authority will act in accordance with the provisions of the Act, associated Regulations and Guidance

issued by the Gambling Commission and will conform to the data protection and freedom of information legislation in accordance with the Council's existing policies.

- 8.2 Contact details, including email addresses (unless expressly asked otherwise), of those persons making representations and details of the representations will be made available to the applicant to allow for negotiation. In the event of a hearing being held the details will be provided to members of the Licensing Committee and, should an Appeal follow the information will become a matter of public record.
- 8.3 Applicants and interested parties, by providing their details, must be aware that those details will be shared as laid out above and may be made public.

## 9 Enforcement

- 9.1 Licensing authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 9.2 In carrying out its enforcement function this Authority will comply with the Regulators Code and will:
- Carry out our activities in a way that supports those we regulate to comply and grow
  - Provide simple and straightforward ways to engage with those we regulate and hear their views
  - Base our regulatory activities on risk
  - Share information about compliance and risk
  - Ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply
  - Ensure that our approach to regulatory activities is transparent
- 9.3 The main enforcement and compliance role for this Authority in terms of the Act will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission are the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will be notified to the Gambling Commission.
- 9.4 This Authority will adopt a risk-based inspection programme having regard to statutory requirements, Primary Authority agreements and Gambling Commission Guidance. In general enforcement visits will be targeted as follows:
- To high risk premises;
  - To premises where it is believed that trading is taking place without the necessary permissions or where conditions are not being observed;
  - To premises where complaints have been received; and
  - To premises where intelligence suggests that underage gambling is taking place or criminal or disorderly conduct has occurred.
- 9.5 When determining risk consideration will be given to:
- The nature of the gambling activities taking place on the premises;
  - The location of the premises having regard to the Authority's risk profile;
  - The procedures put in place by the management to meet the licensing objectives.



9.6 Enforcement action will be taken having regard to the Council's Environmental Services Enforcement Policy and the Code for Crown Prosecutors.

9.7 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

## **10 Administration, Exercise and Delegation of Functions**

10.1 The Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

10.2 In order to provide a speedy, efficient and cost-effective service to all involved in the licensing process, the Committee has delegated certain decisions and functions to Sub-Committees.

10.3 Further, with many of the decisions and functions being purely administrative, the grant of non-contentious applications, for example, those licences and permits where no representations have been made, has been delegated to Council officers.

10.4 Appendix B sets out the proposed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

## **11 Premises Licences**

11.1 Licensing Authorities are responsible for receiving, processing and deciding upon applications for premises licences under the Act, including the processing of review applications.

11.2 Premises licences will be subject to the processes set-out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. The Authority will exclude default conditions and also attach other conditions where it believes it to be appropriate.

11.3 In making decisions about a premises licence this Authority will aim to permit the use of premises provided that it is:

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

11.4 Moral objections or demand for gambling are not valid reasons to reject applications for premises licences.

11.5 Definition of "premises" - Premises is defined in the Act as "any place". A premises can only hold one premises licence, consequently different premises licences cannot apply in respect of one premises at different times. However, it is possible for a single building to hold a number of premises licences if it contains a number of distinct premises within it.

11.6 Whether different parts of a building can properly be regarded as being separate premises will be considered at the time of application and will depend on the individual circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or movable partitions, can properly be regarded as different premises.

- 11.7 This Authority will pay particular attention 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 this Authority will consider the following matters:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
  - Entrances and exits from parts of the building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or permit.
  - Compatibility of the establishments.
  - Whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 11.8 To assist this Authority in determining whether two or more proposed premises are truly separate, this Authority will ask the following questions:
- Is a separate registration for business rates in place for the premises?
  - Is the premises' neighbouring premises owned by the same person or someone else?
  - Can each of the premises be accessed from the street or a public passageway?
  - Can the premises only be accessed from any other gambling premises?
- 11.9 In addition to the matters laid out above this Authority, when considering the division of existing premises, would expect the partitioning between the two proposed units to be fixed and immovable in nature, full height and not transparent in any part. Where both units are on the same floor it would expect the premises to have separate postal addresses, separate entrance doors and separate trading names. There should be no internal doors allowing customers to move between the premises.
- 11.10 A licence to use premises for gambling which have still to be constructed or altered will only be issued where this Authority is satisfied
- (i) that the premises ought to be permitted to be used for gambling; and
  - (ii) that appropriate conditions can be put in place to cater for the fact that the premises are not yet in the state in which they ought to be before gambling can take place.
- 11.11 This Authority will expect that a new application will be made if the plans submitted at the time of the application are changed in any material respect during the construction and fitting out of the premises after the grant of the licence to preserve the rights of interested parties and responsible authorities to make representations.
- 11.12 Controlling where gaming machines may be played and Plans – The Act and associated regulations set out the regulatory framework for controlling gaming machines. By linking different machine entitlements to different types of premises the framework seeks to ensure the number of machines and levels of stakes and prizes of machines is proportionate to the premises. The Gambling Commission's social responsibility code within the Licensing Conditions and Codes of Practice (LCCP) requires that gaming machines are only made available in combination with the named non-remote activity of the operating licence. . Thus, for example, a premises licensed for the purposes of providing facilities for bingo must operate as such and not merely be a vehicle to offer

higher stake and prize gaming machines.

- 11.13 In premises licensed for betting, substantive facilities for non-remote betting must be provided if gaming machines are to be made available. The facilities provided must include information that enables customers to access details of events on which bets can be made, make such bets, learn the outcome and collect any winnings. Where betting facilities are provided only by machines the number of betting machines must exceed the number of gaming machines made available for use.
- 11.14 In order to ensure that a premises is properly providing the named non-remote activity of the operating licence this Authority will expect all new premises licence applications and all variation applications to be accompanied by a plan that not only complies with the requirements of the legislation but also clearly indicates the area used for the named non-remote gambling activity and any other gambling activity, including the number and position of all machines (both betting machines and gaming machines).
- 11.15 Where the number and/or position of machines are altered this Authority will expect a revised plan to be provided to the Licensing Authority. This revised plan will be held by the Authority but will not be substituted on the licence unless the licence is re-issued following a variation or change of circumstance application..
- 11.16 Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. When considering an application, particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as to issues of crime and disorder.
- 11.17 This Authority will take specific note of whether an application relates to a premises that is:
- close to an educational establishment, including colleges and universities;
  - close to a centre dealing with vulnerable people;
  - situated in an area of high crime;
  - situated in an area of deprivation;
  - close to the location of services for children such as libraries and leisure centres;
  - close to the location of businesses providing instant access to cash such as pay day loans, pawn shops.
- 11.18 Local Risk Assessments and Local Area Profiles As of 6th April 2016 the Gambling Commission's social responsibility code within the Licensing Conditions and Codes of Practice (LCCP) requires operators to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks. Following that date operators must review those assessments when certain triggers are met as laid out in paragraph 11.21 below
- 11.19 This Authority considers that these local risk assessments are a key component of the overall assessment and management of the local risks. Each locality has its own challenges and in order to assist applicants this Authority has produced a map of the area containing the location of existing gambling premises, educational establishments, centres dealing with vulnerable persons, leisure centres, libraries, pay day loan and pawn shops which is attached as Appendix D. In addition, the Authority has produced local profiles for each Ward which contains demographic, economic and crime information. These will identify the areas deemed to be high, medium and low risk by this Authority.

This information will be available on the Council's website and will be updated together with any review of this statement.

11.20 This Authority will expect applicants for a new licence to submit the completed assessment with their application. It must identify the risks and state what control mechanisms are to be employed at the premises to ensure that the licensing objectives are being met having regard to the local area profiles produced by this Authority. The assessment must consider at a minimum:

- The local area, including but not restricted to the types of premises and operation in the area surrounding the gambling premises; the character of the area, for example is it predominantly residential or commercial, is it a family orientated area; transport links; educational facilities; centres for vulnerable people; ethnicity, age, economic makeup of the local community; high crime area; high unemployment area; pawn broker/pay day loan businesses in the vicinity; other gambling premises in the vicinity
- The gambling operation, including but not restricted to what gambling products it provides in the premises; the staffing levels within the premises; the level and requirement for staff training; whether loyalty or account cards are used or not; the security and crime preventions arrangements it has in place; how it advertises locally and on the premises; the marketing material within the premises; the display and provision of information
- The design and layout of the premises, including but not restricted to whether the staff have obstructed views of gaming machines or entrances; whether the design is such that children can see gambling taking place.
- The control mechanisms to be put in place to mitigate the risks e.g. the use of CCTV cameras, the provision of magnetic door locks, employment of door supervisors, employing a challenge 25 scheme, increased number of trained staff.

11.21 Operators are required to review their local risk assessments if significant changes in local circumstances occur, when there are significant changes at a licensee's premises that may affect their mitigation of local risks and when applying for the variation of a licence. The following list sets out what is considered to be significant changes in local circumstances:

- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors.
- A new pay day loan or pawn broker opens in the local area
- Relevant significant changes are made to the provision, location and/or timings of public transport in the vicinity of the premises e.g. extension of London Underground Services or the re-location of a bus stop used by children
- An increase in educational facilities in the local area, e.g. the opening of new schools/colleges or the extension of an existing establishment
- The local area is identified as a crime hotspot by the police and/or Licensing Authority
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises
- New gambling premises opens in the local area
- Any evidence from gaming trends that may reflect benefit payments or where underage testing has identified a problem.

11.22 An operator submitting a variation application to the Licensing Authority will be expected to provide a copy of the reviewed local risk assessment with the application.

11.23 This Authority will consider the local risk assessment when determining a new application or a variation application. Some control mechanisms identified in the assessment may be added to the licence as conditions to address any significant local

concerns. To assist operators in formulating their risk assessments guidance is contained in Appendix C on the matters that this Authority would expect to be included in a risk assessment. This Authority is particularly concerned:

- To prevent the clustering of gambling premises in any one area of the borough; and
- To ensure that staffing levels are sufficient and that staff are trained and supported to identify and work with problem gamblers; and
- To ensure that measures are in place to prevent underage gambling.

11.24 The list is not exhaustive and every risk assessment should be based on the individual premises and the issues in the local area.

11.25 This policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

11.26 It is expected that the local risk assessment will be kept on the premises to which it relates (or be immediately accessible) in order to assist staff in carrying out their duties and to ensure that it is available during inspection by authorised officers.

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

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

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime -** This Authority acknowledges that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors or higher staffing levels.

This Authority acknowledges that in the case of gambling premises, disorder is intended to mean activity that is more serious and disruptive than just nuisance. In making a distinction between disorder and nuisance the Licensing Committee will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in considering any contested application.

**Ensuring that gambling is conducted in a fair and open way.** This Authority has noted that the Gambling 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.

However, should this Authority become concerned about the manner that a premises is operating than the matter will be referred to the Gambling Commission.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling.** In exercising its powers under S153 this Authority will consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include ensuring that there are adequate staffing levels, supervision of entrances / machines, segregation of areas from areas frequented by children, introducing a Challenge 25 policy.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health,, learning disability or substance misuse relating to alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis.

- 11.29 Conditions. Conditions may be attached to premises licences in the following way:
- Automatically – having been set out in the face of the Act
  - Mandatory conditions – as specified by the Secretary of State which must be attached to the premises licence
  - Default conditions – as specified by the Secretary of State which will be attached to the premises licence unless excluded by the licensing authority. Default conditions will normally be applied to applications.
  - Conditions attached by the licensing authority.
- 11.30 Any conditions attached to licences will be proportionate and will be:
- Necessary to uphold the licensing objectives
  - Relevant to need to make the proposed building suitable as a gambling facility;
  - directly related to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale, type of premises and locality; and
  - reasonable in all other respects.
- 11.31 This Authority recognises that the conditions necessary for the general good conduct of gambling premises will be those set down as mandatory and default conditions. Where there are specific risks and problems associated with a particular locality, premises or class of premises this Authority may attach individual conditions to address this.
- 11.32 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas, staffing levels and staff training in premises where alcohol may be consumed etc. This Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises.
- 11.33 This Authority will also ensure that where category C or above Amusement with Prizes 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.

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

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

- i) any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- ii) conditions relating to gaming machine categories, numbers, or method of operation;
- iii) conditions which provide that membership of a club or body be required; and
- iv) conditions in relation to stakes, fees, winning or prizes.

11.36 Door Supervisors. The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors having regard to the licensing objectives. It is noted though that in-house staff carrying out the function of a door supervisor at casinos or bingo premises are not required to be licensed by the Security Industry Authority (SIA). However, this Authority would expect that door supervisors working at bingo premises would have successfully completed a training course approved by the SIA prior to their employment as a door supervisor. This is in recognition of the nature of the work in terms of searching individuals, and dealing with potentially aggressive persons, etc. It should be noted that contract staff carrying out the function of a door supervisor do require to be licensed by the Security Industry Authority.

11.37 For premises other than casinos and bingo premises it may be decided either by the operator through their local risk assessment or by the Licensing Committee that supervision of entrances / machines is appropriate for particular cases and whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

## 12 Casinos

12.1 This licensing authority is proposing to re-state its 'no casino' resolution on the basis that this Borough is predominantly residential in nature and a casino would be out of character to the area. In addition Wandsworth has a thriving and diverse leisure and night-time economy, presently centred around five town centres, primarily characterised by leisure, licensed and food-led premises. The Council would not want to create an imbalance between these competing town centre economies and is concerned that a casino located in one would be likely to have this effect. As the town centres are located in close proximity to residential premises a casino located in a town centre would increase the likelihood of nuisance. It is likely also that the economies of the other four town centres would be adversely affected possibly giving rise to a higher incidence of crime and disorder. A location outside of the town centres would be similarly detrimental to all five town centres

12.2 Potential licence applicants should note that a 'no-casino' resolution will mean that no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

### 13 Travelling Fairs

13.1 This Authority is responsible for deciding whether the provision of Category D machines and / or equal chance prize gaming without a permit available for use at a travelling fair amounts to no more than an ancillary amusement at that fair.

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

13.3 It has been noted that the 27 day statutory maximum for the land being used for a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses over boundaries is monitored so that the statutory limits are not exceeded.

### 14 Provisional Statements

14.1 Applicants may make an application for a provisional statement in respect of premises that they expect to be constructed, altered, or to acquire a right to occupy. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence. Those applying for a provisional statement do not have to have applied for or hold an operating licence, nor do they need to have the right to occupy the premises.

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

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

14.3 With regard to provisional statements this authority has noted the Gambling Commission's Guidance 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".

### 15 Reviews

15.1 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. In deciding whether to review the licence the Authority will consider whether it:



- is in accordance with any relevant code of practice issued by the Gambling Commission;
  - is in accordance with any relevant guidance issued by the Gambling Commission;
  - is reasonably consistent with the licensing objectives;
  - is in accordance with the authority's statement of licensing policy;
  - is frivolous or vexatious or substantially the same as previous representations or requests for review;
- will certainly not cause the Authority to alter, revoke or suspend the licence.

15.2 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## 16 Permits

16.1 Unlicensed Family Entertainment Centre gaming machine permits Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).

16.2 This Authority will expect that a plan showing the layout of the premises with the locations of gaming machines highlighted will accompany the application.

16.3 An application for a permit may only be granted if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application. This Authority will expect applicants to demonstrate:

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

16.4 In addition, this Authority will expect the applicant to have policies and procedures in place to protect children from harm in the widest context (not limited to only harm from gambling). This will include:

- measures to deal with suspected truant school children, including the establishment of close working relationships with local schools and the local education authority
- measures to deal with unsupervised very young children on the premises
- measures to deal with children causing perceived problems on or around the premises

16.5 This Authority understands that they may either grant or reject an application but cannot attach conditions to this type of permit.

16.6 (Alcohol) Licensed premises gaming machine permits and automatic entitlement: 2 machines There is provision in the Act for alcohol licence holders to automatically have 2 gaming machines, of categories C and/or D for use in premises licensed to sell alcohol for consumption on the premises. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;

- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act. These are: that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with;
  - the premises are mainly used for gaming; or
  - an offence under the Act has been committed on the premises.
- 16.7 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance or Codes of Practice issued by the Gambling Commission and "such matters as they think relevant." This Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include:
- the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
  - the provision of notices and/or signage.
  - the provision of information leaflets/helpline numbers for organisations such as GamCare, Gamblers Anonymous
- 16.8 An application for a permit for more than two machines will generally be granted if the operator is complying with the Gambling Commission Code of Practice unless there are particular and compelling reasons not to do so, for example if alcohol has been sold on the premises to persons under 18 or the premises has a history of crime and disorder.
- 16.9 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 16.10 This Authority recognises that it can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for but that conditions (other than these) cannot be attached.
- 16.11 Prize Gaming Permits The Gambling Act 2005 states that a licensing authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit".
- 16.12 This Authority would expect an applicant to set out the types of gaming that is intended to be offered and be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
  - that the gaming offered is within the law; and
  - suitable policies that outline the steps to be taken to protect children from harm.
- 16.13 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

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

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

16.15 Club Gaming Permits and Club Machines Permits 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 regulations. A Members Clubs and Miners 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).

16.16 The Licensing Authority must satisfy itself that a club meets the requirement of the Act to obtain a club gaming permit. In doing so that it will take into account the matters as laid down in the Gambling Commission's Guidance namely that "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 restricted to Bridge or Whist. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

16.17 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or 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 ten years; or
- an objection has been lodged by the Commission or the police.

16.18 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are that:

- the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Act
  - in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- or

- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

16.19 There are statutory conditions on club gaming permits that no child use 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.

## 17 Temporary and Occasional Use Notices

17.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator (holding the relevant operating licence) wishes to use the premises temporarily for providing facilities for gambling.

17.2 There are statutory limits as regards temporary use notices. This includes that a set of premises may not be the subject of temporary use notification for more than 21 days in any period of 12 months. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of "a set of premises", this Authority will look at, amongst other things, the ownership/occupation and control of the premises. This Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

17.3 The Secretary of State has the power to determine what form of gambling can be authorised by a Temporary Use Notice. Currently, the regulations allows such a Notice to permit facilities for equal chance gaming, where the gaming is intended to produce a single winner, which typically, to date, means a poker tournament.

17.4 Occasional Use Notices: The Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. The licensing authority has no discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Authority will thoroughly consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## 18 Lotteries

18.1 The Licensing Authority is responsible for the registration of small scale society lotteries where the principal office is located within the borough. Such lotteries can only be promoted for charitable purposes, participation in or supporting sport, cultural activities or for other non-commercial purposes other than for private gain.

18.2 Applicants are reminded that their application is likely to be refused if:

- The application is not on behalf of a non-commercial society;
- A person connected with the lottery promotion has been convicted of a relevant offence;
- False or misleading information has been provided.

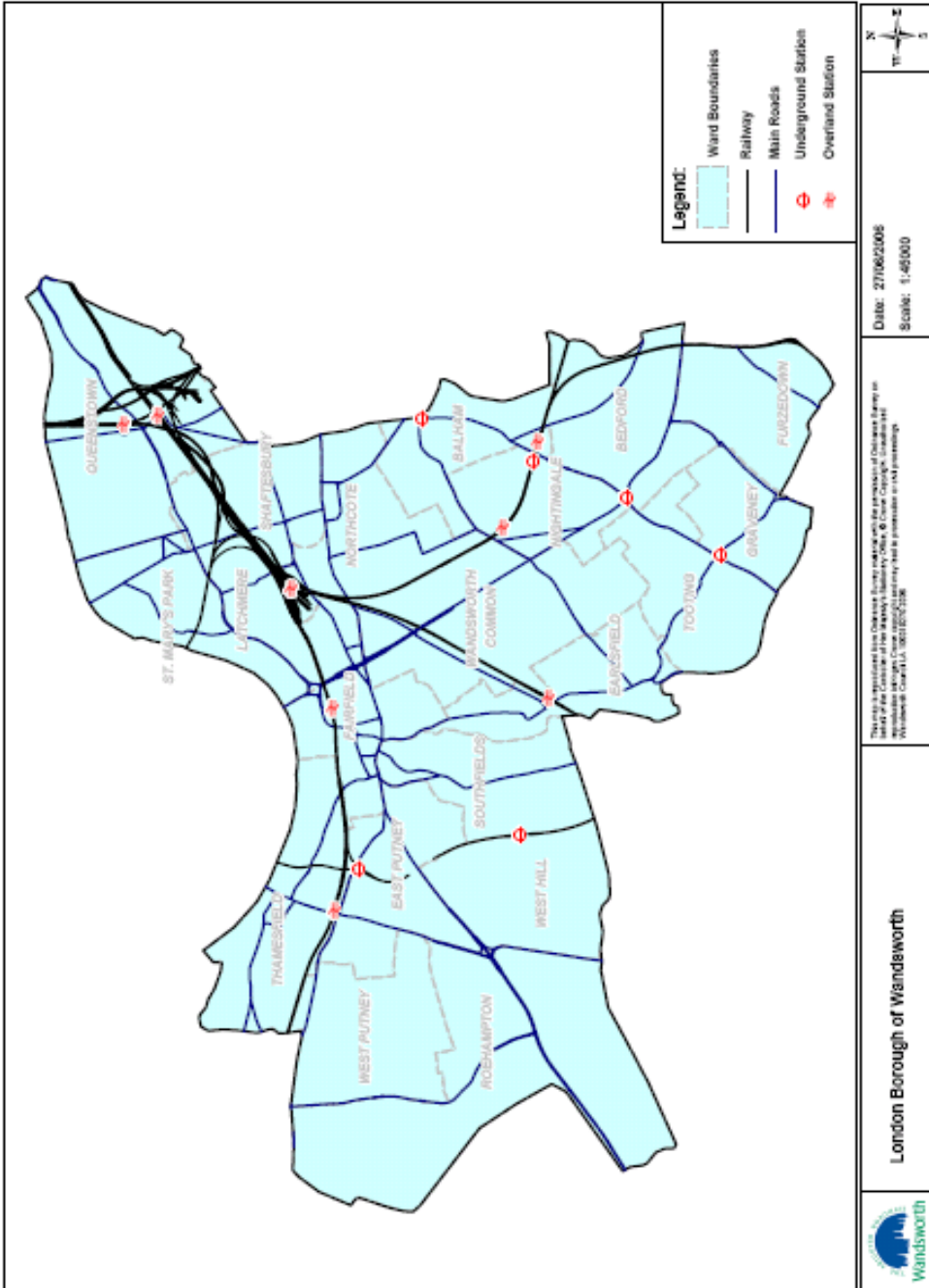
18.3 The Authority will, where necessary, invite applicants to provide evidence to support their application including articles of association, minutes of Annual General Meetings or Committee Meetings or other such documents that may assist with the application.

18.4 In considering whether to refuse an application where a bona fide application has been made or revoke an existing registration this Authority will first give an opportunity to the society to make representations.

18.5 The providers of small society lotteries are required to submit a formal return to the Authority following each draw. The Authority may investigate providers of small society lotteries in the event of:-

- a late or missing statutory return;
- evidence or report of tickets being sold to children;
- any suspected misappropriation of funds; or
- the receipt of reports of lotteries being held without or in breach of a registration.

APPENDIX A – Map of Wandsworth



**APPENDIX B – Delegation of decisions and functions**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Final approval of three year licensing policy	Yes			
Policy not to permit casinos	Yes			
Fee setting (when appropriate)		Yes		
Application for premises licence			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Application to vary premises licence			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Application to transfer a licence			If a representation has been received from the Commission	If no representations made
Application for a provisional statement			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Application to review premises licence			All cases	
Application for club gaming/club machine permits			If a representation has been made and not withdrawn	If no representations made
Cancellation of club gaming/club machine permits			All cases	
Applications for other permits			If a representation has been made and not withdrawn	If no representations made
Cancellation of licensed premises gaming machine permits				All cases
Consideration of temporary use notice				All cases
Decision to give counter notice to a temporary use notice			All cases	
Decision on whether a representation is irrelevant frivolous vexatious or substantially the same as previous representations etc				All cases
Representation by Licensing Authority as Responsible Authority				All cases

## APPENDIX C – Risk Assessment Guidance

### 1. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Think 21 scheme
- Closed Circuit Television
- Permanent adequate staff 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, the NHS funded National Problem Gambling clinic, Gamblers Anonymous and the Samaritans
- Training of staff to offer brief intervention when customers show signs of excessive gambling.  
Training of staff to ensure that they can identify children and other vulnerable people and take appropriate action to ensure that they are not able to access the premises or are supported appropriately

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

### 2. (Licensed) Family Entertainment Centres

This Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas ~~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, the NHS funded National Problem Gambling clinic, Gamblers Anonymous, the Samaritans and Child Line.
- Measures / training for staff on how to deal with suspected truant school children on the premises including the establishment of close working relationships with local schools and the local education authority.
- The requirement that children must be accompanied by an adult.
- Disclosure and Barring (DBS/CRB) checks for staff.
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours and during school holidays.
- Measures/training for staff on child protection measures.



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

### **3. Bingo premises**

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

"Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed."

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. This Authority will specifically have regard to the need to ensure that children do not participate in gambling. As alcohol may be sold on the premises, this Authority will also have particular regard to the measures to be put in place to ensure that persons involved in gambling have not consumed excess alcohol.

Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Proof of age schemes
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Measures/training for staff to ensure that persons engaged in gambling have not consumed an excess of alcohol
- Numbers of staff on duty at any one time

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

### **4. Betting premises**

This Authority will specifically have regard to the need to protect vulnerable persons from harm or being exploited by gambling and the need to ensure that the premises are not associated with crime or disorder. This Authority is also concerned to ensure that there is not clustering of betting premises in any one area of the Borough.

Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Think 21 scheme
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas, which should generally be a minimum of two persons on duty at any time.
- Notices / signage
- Minimum staffing levels
- The number of counter positions available for person to person transactions
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, the NHS funded National Problem Gambling clinic, Gamblers Anonymous and the Samaritans

- Training of staff to offer brief intervention when customers show signs of excessive gambling
- Staff training on dealing with persons who wish to gamble who are intoxicated
- Measures to prevent disorder associated with customers congregating outside the premises to smoke or drink alcohol
- Training of staff to ensure that they can identify children and other vulnerable people and take appropriate action to ensure that they are not able to access the premises or are supported appropriately

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

Betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These betting machines are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. While this Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition such action will only be taken where there is clear evidence that such machines may have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority will consider the control measures in the local risk assessment and, in particular, the ability of staff to monitor the use of such machines from the counter.

This authority will give due consideration to premises licence applications in respect of re-sites of a betting premises within the locality and to extensions where these replace and enhance the quality of the facility provided for the benefit of the betting public.

## **5. Tracks**

Currently this Authority has no track betting premises in its area. However this licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In line with the Gambling Commission's Guidance, this Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided or from using betting machines.

Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Proof of age schemes
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

Official

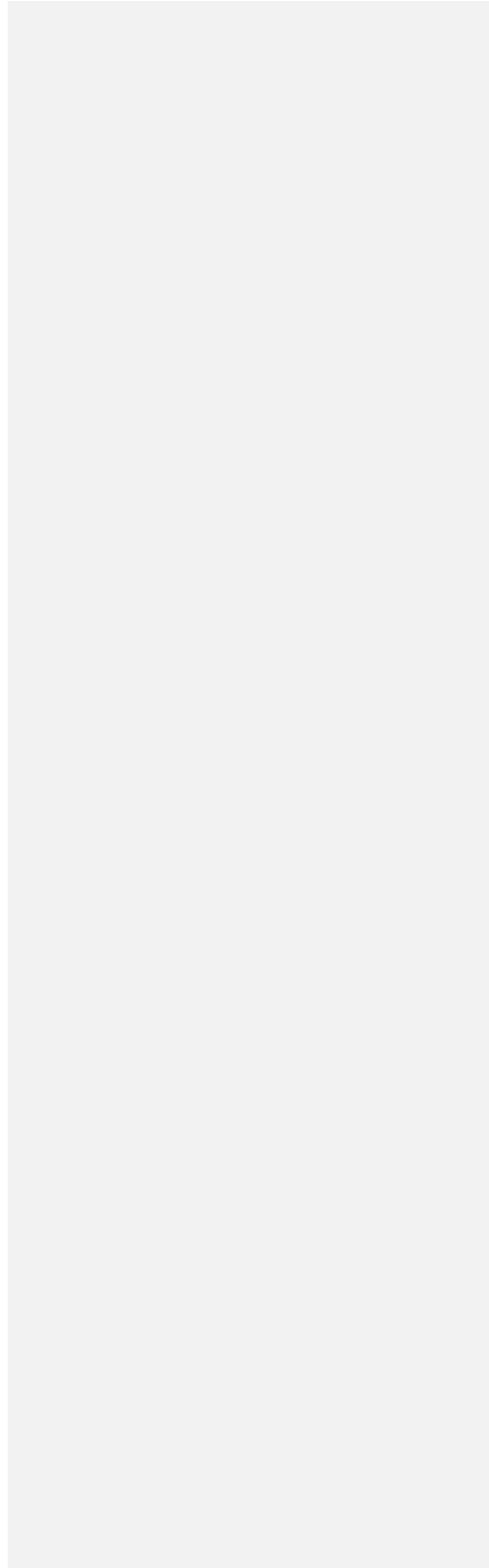
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, the NHS funded National Problem Gambling clinic, Gamblers Anonymous and the Samaritans
- Method for advertising rules in or near the betting areas or in another way to ensure that the public are informed

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

Official

**APPENDIX D – Local Area Profile map**

| **TO BE PROVIDED**



## APPENDIX E – Definitions

### Gaming machines

'Gaming machines' means 'a machine which is designed or adapted for use by individuals to gamble (whether or not it can be used for other purposes)' Regulations define four categories of gaming machine: categories A, B, C and D, with category B divided into a further five subcategories. The categories and sub-categories have been defined according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver as shown below.

There is a minimum age of 18 for all players of category A, B and C machines. There is no minimum age for players of category D machines.

Please note: This information is correct at the time of writing but for up to date information please go to The Gambling Commission website.

Category of machine	Maximum stake	Maximum prize
A - no category A gaming machines are currently permitted	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)
B2 (Fixed Odd Betting Terminals)	<del>£1002</del> Under review	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize (other than a or a coin pusher or penny falls machine)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

### Casino

A 'casino' is an arrangement whereby people are given the opportunity to participate in one or more casino games. The permitted number of gaming machines in each category will depend on whether it is a large or small casino or a converted casino operating under preserved rights for operating prior to the 2005 Act.

### Bingo

'Bingo' means 'any version of that game irrespective of by what name it is described'. The licence authorises a number of category B gaming machine 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. Premises in existence before 13 July 2011 are entitled to make

available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Regulations state that category B machines at bingo premises are restricted to sub-category B3 and B4 machines but not B3A machines.

#### **Adult Gaming Centre**

An 'adult gaming centre' may make available for use a number of category B gaming machine 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. Premises in existence before 13 July 2011 are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Regulations state that category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines but not B3A machines.

Adult gaming centre's cannot admit those under 18.

#### **Family entertainment centre**

A family entertainment centre means 'a premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use'.

A licensed family entertainment centre may make available for use an unlimited number of category C or D machines. Family entertainment centres can admit those under 18 years of age but they must not play Category C machines.

A family entertainment centre with a gaming machine permit may make available for use any number of category D machines.

#### **Betting premises**

The provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for making or accepting bets.

Betting means 'the making or accepting a bet on the outcome of a race, competition or other event or process, the likelihood of anything occurring or not occurring or whether anything is, or is not, true.'

The machines available for use at betting premises are gaming machines and betting machines. The licence authorises a maximum of 4 gaming machines in categories B2, B3, B4, C and D (but not B3A). A betting machine is designed to bet on a future event or on a live event as a substitute for placing a bet over the counter

Persons under 18 will not be able to enter betting premises, although special rules apply to tracks.

#### **Tracks**

A 'track' means a 'horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place'. If the track operator who holds a premises licence also has a pool betting operating licence then up to 4 gaming machines of categories B2 to D (but not B3A) may be sited on the track. Betting machines may also be provided.

The Act forbids all persons under 18 to enterprises when betting facilities are being provided, other than at tracks on race days only. The exemption does not extend to areas within a track where category C and above machines are provided

### **Travelling fair**

A 'fair' means 'fair consisting wholly or principally of the provision of amusements' and a fair held on a day in a calendar year is a travelling fair if provided 'wholly or principally by persons who travel from place to place for the purpose of providing fairs and at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year'. There is no limit on category D machines and persons under 18 may use those machines.

### **Alcohol licensed premises gaming machine permits**

Operators of premises with an on-premises alcohol licence have an automatic right to have 2 gaming machines of category C or D (following notification to the licensing authority). However, a permit is required if the applicant seeks to have more than two machines. A permit authorises the number of C or D machines. Persons under 18 may not play category C machines but may play category D machines.

### **Prize Gaming**

'Gaming is prize gaming if neither the nature nor the size of a prize played for is determined by reference to the number of persons playing or the amount paid for or raised by the gaming'. Persons under 18 may participate in equal chance prize gaming only. Gaming is equal chance gaming 'if it does not involve playing or staking against a bank and the chances are equally favourable to all participants'

### **Club gaming permit and Club machine permit**

The Act separates gaming in Clubs from that in other alcohol licensed premises. The Act creates two types of club for the purposes of gaming: members' clubs (including miners' welfare institutes) and commercial clubs.

A members' club or miners' welfare institute may apply for a club gaming permit which authorises the establishment provide gaming machines equal chance gaming (without having to abide by the stake and prize limits which would apply to exempt gaming in the absence of a permit) and games of chance as prescribed in regulations, namely pontoon and chemin de fer.

A member club or miners welfare institute may apply for a club machine permit. This is more limited that a club gaming permit, authorising the provision of gaming machines only.

In both cases, there is a limit of three gaming machines which may be from categories B3A, B4, C and D (but only 1 B3A machine may be provided). No person under 18 may use category B or C machines.

A commercial club is a club established for commercial gain. Examples include snooker clubs. Commercial clubs may only apply for club machine permits.