

<b>REPORT TO:</b>	<b>FULL COUNCIL 7 DECEMBER 2015</b>
<b>AGENDA ITEM:</b>	<b>14</b>
<b>SUBJECT:</b>	<b>THE GAMBLING ACT 2005 – STATUTORY REVIEW OF LONDON BOROUGH OF CROYDON STATEMENT OF PRINCIPLES</b>
<b>LEAD OFFICER:</b>	<b>EXECUTIVE DIRECTOR OF PLACE</b>
<b>CABINET MEMBER:</b>	<b>COUNCILLOR MARK WATSON CABINET MEMBER FOR COMMUNITIES SAFETY AND JUSTICE</b>
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	
<p><b>FINANCIAL SUMMARY:</b></p> <p>The Gambling Act became fully operational on 1<sup>st</sup> September 2007. The Council has been processing applications with regard to this legislation since 21 May 2007, which was the start of the conversion period under the Act.</p> <p>There are no financial implications associated with this report, save for those set out in the body of the report with regard to decision making by the licensing committee and full Council.</p> <p>The costs of administering the functions associated with this report will be met from existing resources.</p>	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b>	

**For general release**

## **1. RECOMMENDATIONS**

1.1 The revised Statement of Principles went before the Council's substantive licensing committee at their meeting on 18 November 2015. The Committee endorsed the Statement and recommended it for adoption by the full Council at its meeting on 7 December 2015.

1.2 Accordingly, the full Council is recommended to adopt the Statement of Principles at Appendix 4 to this report at their meeting on 7 December 2015.

## 2. EXECUTIVE SUMMARY

2.1 The Gambling Act 2005 came into force on 1<sup>st</sup> September 2007 following a three month transitional period during which existing premises licence holders were able to swap their existing Magistrates' Court or Council licence for a new style Council one.

2.2 Local authorities, as licensing authorities, are only responsible for licensing the premises on which gambling takes place. They are not responsible for licensing operators as this function falls to the Gambling Commission. As well as issuing premises licenses, local authorities are responsible for issuing permits in respect of:

- Gaming machines in alcohol-licensed premises, such as pubs
- Gaming machines in members clubs
- Gaming in members clubs
- Unlicensed family entertainment centres (small stake and payout machines only)
- Prize gaming
- Occasional Use Notices
- Temporary Use Notices
- Provisional Statements

2.3 For comparison, the following shows the current number of licensed premises, as opposed to that in 2007:

- Betting Shops – 2007 **59** – 2015 **70**
- Bingo Premises – 2007 **1** – 2015 **3**
- Adult Gaming Centres – 2007 **8** – 2015 **2**
- Family Entertainment Centres – 2007 **0** – 2015 **1**

2.4 In addition to administering applications, the Council licensing team undertake inspections and enforce the conditions on issued licences, permits and notices. It also registers small scale society lotteries.

2.5 The Gambling Act 2005 also requires each licensing authority to publish a statement of the principles it intends to adopt when exercising its functions under the Act. The first London Borough of Croydon Statement of Principles was published on 3 January 2007. In each 3 year period thereafter, the Council must keep its statement under review and revise it as it considers necessary. In any event, before the conclusion of each 3 year period, the Act requires the Council to formally consult on its statement, amend it accordingly and re publish it.

2.6 The Council's Statement of Principles was reviewed and re published in 2009 and 2012.

2.7 For the third statutory review, the Council must re publish its Statement by 31 December 2015 - that being the required 4 weeks before the existing Statement expires.

### 3. DETAIL

3.1 The Gambling Act 2005 came into force on 1 September 2007. It created a unified regulator for gambling in Great Britain called the Gambling Commission, as well as establishing a new licensing regime for commercial gambling. The Gambling Commission regulates all commercial gambling in Great Britain, except the National Lottery and Spread Betting, and issues operating and personal licences.

3.2 The Gambling Act 2005 transferred all responsibility for licensing gambling premises from Licensing Justices to Licensing Authorities (the Local Authority in England and Wales). Licensing Authorities are also responsible for a number of different permits, as well as temporary and occasional use notices.

3.3 Local Authorities acting as Licensing Authorities issue premises licences for the following activities:

- bingo
- betting
- adult gaming centres
- family entertainment centres
- casinos
- horse racing and dog tracks.

3.4 They issue permits for:

- Gaming machines in alcohol licensed premises, such as pubs
- Gaming machines for members clubs
- Other gaming activities in Members' clubs
- Category D machines\* in unlicensed family entertainment centres
- Prize gaming.

\*Category D machines are those that can be used by children and have the lowest level of stakes and prizes

3.5 They also register and issue:

- Small society lotteries
- Occasional and temporary use notices
- Provisional statements.

3.6 The Gambling Act 2005 contains three licensing objectives that underpin the entire legislation:

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

3.7 Section 349 of the Gambling Act 2005 requires local authorities to prepare and publish a statement of the principles (henceforth to be referred to as the 'statement of principles') that they propose to apply in exercising their functions

under the Act. The statement shall last for a period of 3 years and then must be reviewed. However, a local authority may review their statement sooner should the need arise.

- 3.8 The Act requires that prior to adopting and publishing their statement, or subsequently reviewing it, a local authority shall consult:
- The chief officer of police for the authority's area
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area and
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 3.9 The consultation on the review took place between 4 September 2015 and 16 October 2015 and the statement was amended to reflect any relevant responses/comments made.
- 3.10 Attached at Appendix 1 is a list of persons/bodies consulted with.
- 3.11 Attached at Appendix 2 are the responses received during consultation. These comments all came from the gambling industry.
- 3.12 Attached at Appendix 3 is a schedule of the specific comments made by the respondents, showing where the Statement has, or has not, been changed as a result of those comments.
- 3.13 Accordingly, attached at Appendix 4 to this report is a copy of the draft, revised 'Statement of Principles'.
- 3.14 Appendix 5 gives a Glossary of Terms for the Gambling Act 2005.

### **Councillors and the Act**

- 3.15 For premises licence applications and reviews, Councillors sit on licensing committees as they do for the Licensing Act 2003. For permits, other arrangements may apply, depending upon delegations.
- 3.16 Councillors may make representations without being asked by a resident specifically to do so, although they will have to bear in mind wider issues of bias, pre-determination, prejudice and declarations of personal and prejudicial interests. Representations may only be made in relation to premises licences, not permits.
- 3.17 A Licensing Authority should aim to permit the use of premises for gambling if it believes that the application is:
- In accordance with any relevant Guidance or Codes of Practice issued by the Gambling Commission.
  - Reasonably consistent with the licensing objectives.

- In accordance with the Authority's Statement of Principles (Gambling Policy).

### **Processing Applications – Premises Licences**

- 3.18 When an application for a premises licence is made, representations from external parties may be made about the application. The Licensing Authority will consider all relevant representations, as well as other factors, before making a final decision.
- 3.19 Only representations made by a *Responsible Authority* or *Interested Party* will be considered and they must be relevant. The definitions of these two categories differ from those included in the Licensing Act 2003.
- 3.20 A Responsible Authority must be notified by the applicant when an application for a premises licence is made. A Responsible Authority is a public body which can make a representation in relation to the application, as well as to an existing licence. They are:
- A Licensing Authority in England and Wales in whose area the premises is wholly or partly situated.
  - A Local Authority (in Scotland).
  - The Gambling Commission.
  - A Police Authority.
  - A Fire and Rescue Authority.
  - A Planning Authority.
  - An Environmental Health Authority (or equivalent).
  - The body designated by the local authority as competent to advise about the protection of children from harm (Social Services etc).
  - The body which is competent to advise about the protection of vulnerable adults (to be designated by the Secretary of State).
  - The HM Revenue and Customs.
  - Navigation Authorities (Environment Agency, British Waterways Board, Maritime and Coastguard Agency) and the Secretary of State (for vessels only).
- 3.21 An Interested Party is a person who:
- Lives sufficiently close to the premises to be affected by the authorised activities.
  - Has business interests that might be affected by the authorised activities.
  - Represents people in either of the above groups (eg lawyer, accountant, councillor, community association, chamber of commerce etc.).
- 3.22 Representations that are relevant are those issues which relate to the Gambling Commission's Guidance or Codes of Practice; issues related to the Gambling Act 2005's three licensing objectives (as listed in paragraph 3.6 above); or issues related to the Authority's Statement of Principles (Gambling Policy). Where Responsible Authorities make representations that are not relevant under the Act, they may take action under their own legislation and enforcement powers.

- 3.23 A premises licence, once issued, has unlimited duration but the Licensing Authority does have the power to review and revoke it any time, and it may be surrendered or lapse due to the death or bankruptcy of the holder.
- 3.24 The Licensing Authority may grant premises licences to pleasure boats and floating restaurants, but a vessel going into international waters (eg a cross-channel ferry) does not need a licence. Trains and cars are not entitled to hold a premises licence.

### **Licence Conditions – Premises Licences**

- 3.22 There are a number of conditions attached to premises licences under the Act, and additional conditions may also be attached by both the Secretary of State and the Licensing Authority.
- 3.23 Mandatory conditions are set by the Secretary of State. A Licensing Authority has no power to remove or vary these mandatory conditions.
- 3.24 Default conditions are attached in the same way as mandatory conditions however, the Licensing Authority may remove or replace them. The Gambling Commission's Guidance suggests that these default conditions are expected to be the industry norm. Whilst Licensing Authorities may remove default conditions if they think this is appropriate, they must consider carefully before imposing a regime that is stricter than the one that is expected to be the industry norm.
- 3.25 The Licensing Authority may also attach individual conditions to a licence. Unlike the Licensing Act, officers may make recommendations to add conditions to premises licences without the need to make formal representations.

### **Hearings**

- 3.26 The Licensing Committee must consider an application at a hearing if relevant representations are made and not withdrawn, or if the licensing officer proposes that individual conditions should be attached to the licence (either new conditions or the removal/variation of default conditions). There are specific Regulations regarding hearings.
- 3.27 Appeals against decisions made by Licensing Authorities in England and Wales are made to the Magistrates' Court.

### **Fees**

- 3.28 Premises licence fees were set by the Secretary of State via a series of bands, each with a prescribed maximum. Licensing Authorities then set precise fees within the bands, limited to cost recovery. This allows Authorities flexibility and the industry a degree of certainty.
- 3.29 In addition, excellent performing Authorities (those with top CPA ratings) are able to set premises licence fees outside these bands, limited to cost recovery.

The Secretary of State also set the fees for permits and other services and these are detailed in specific Regulations.

## **Casinos**

3.30 Local Authorities have powers to:

- Issue premises licenses for casinos.
- Resolve not to issue any further casino premises licenses in their area.

3.31 The Act created three new casino categories and initially allowed for 17 new premise licences to be issued across Britain: 1 regional, 8 large and 8 small casinos.

3.32 An independent panel advised the Government where these new casinos should be located, once an assessment of their social impact and the likely regeneration benefits had been made.

## **4. CONSULTATION**

4.1 The Gambling Act requires all Local Authorities to prepare, consult and publish a Statement of Principles, which sets out how the authority will exercise its functions under the Act. The statement then has to be reviewed by the end of each subsequent three year period. The review is open to public consultation and the revised document must be approved by the full Council before its publication.

4.2 Croydon's Statement of Principles was initially published in January 2007 and now requires review. The document has been revised and publicly consulted on and the timetable leading up to the policy being re published is as follows:

<b>DATE</b>	<b>ACTION</b>
16.10.15	Deadline for consultation responses.
18.11.15	Licensing Committee
07.12.15	Full Council
31.12.15	Publication (by)

## **5. FINANCIAL CONSIDERATIONS**

5.1 Revenue and Capital consequences of report recommendations

There are no direct financial implications associated with this report. This matter is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

5.2 The Effect of the Decision

There are no direct financial impacts of the recommendations in this report

5.3 Risks

There are no direct risks associated with the recommendations in this report

5.4 Options

There are no other options available to the Council

5.5 Savings/Future Efficiencies  
None identified

(Approved by: Dianne Ellender, Head of Finance and Deputy S151 Officer  
– Chief Executive’s Department)

**6. COMMENTS OF THE SOLICITOR TO THE COUNCIL**

6.1 The Solicitor to the Council comments that the procedures associated with the implementation of the Gambling Act 2005 are determined by regulations and statutory guidance.

6.2 (Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Council Solicitor and Monitoring Officer).

**7. HUMAN RESOURCES IMPACT**

7.1 The procedures implemented to determine premises’ licence applications are compliant with the provisions of the Human Rights Act.

**8. CUSTOMER IMPACT**

8.1 The Gambling Act impacts on existing and potential premises’ licensees. Well managed licensed premises attract customers and contribute to a vibrant local economy.

**9. EQUALITIES IMPACT**

9.1 There are no perceived inequalities associated with this legislation.

**10. ENVIRONMENTAL AND DESIGN IMPACT**

10.1 There are potential environmental and design impacts associated with the development of large casinos. However, the majority of gambling premises in Croydon are small buildings like betting shops, amusement arcades and bingo halls. Many of these premises already have established use and are not considered to impact on the local environment.

**11. CRIME AND DISORDER REDUCTION IMPACT**

11.1 There are not considered to be any local crime and disorder problems associated with the local authority being responsible for the administration of premises licences. The local authority is only responsible for premises. The licensing of operators is the responsibility of the Gambling Commission.

**12. RISK ASSESSMENT**

12.1 Any licensee has the right of appeal to the Magistrates’ Court if they feel aggrieved over the Council’s decision to grant, refuse or vary a licence. There is a risk that if the appellant wins, legal costs could be awarded against the Council.



### **13. HUMAN RIGHTS IMPACT**

- 13.1 The Gambling Act 2005 is compliant with the Human Rights Act but it will be necessary to ensure that procedures for dealing with applications also meet the Acts requirements.

### **14. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS**

- 14.1 The Statement of Principles will be accessible as part of the Council's Publication Scheme maintained under the Freedom of Information Act.
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**CONTACT OFFICER:** Michael Goddard  
Licensing Manager  
Tel. Ext. 61838

**BACKGROUND DOCUMENTS:** None

**GAMBLING ACT 2005**

**Statutory 3 Year Review of Local Authority Statement of Principles**

**List of Consultees**

**Residents Associations**

East Croydon  
Park Hill  
Moreland Park  
Canning and Clyde Roads  
Whitgift Estate  
HOME  
CHASE  
Addiscome and Shirley Park  
Blackhorse Road  
South Croydon Community Association  
Old Coulsdon  
East Coulsdon  
Hartley and District  
Coulsdon West  
Kenley and District Residents Association  
Norbury Village  
Norbury Green  
Pollards Hill  
Scots Estate  
Monks Orchard  
Riddlesdown  
Purely and Woodcote  
Sanderstead  
Webb Estate  
People for Portland Road  
Spring Park  
Selsdon  
Norhyrst  
Crystal Palace Community Association  
We Are Croydon Old Town  
Grove Estate  
Croham Valley  
Broad Green  
Grangewood and Whitehorse  
Hermitage Neighbourhood  
Chertsey High Rise Residents' Group  
Kingsdown Avenue (lower end) LEKARA  
North Downs Residents' Group  
Forestdale  
Cedar House  
Love Lane Green  
Foxley  
Addington Village  
The Norwood Society  
Shrublands Trust

Kuala Gardens  
Tollgate Residents' Association (Ashburton)  
Bishops Walk  
Shirley Hills  
Woburn & Bedford Courts  
College Green  
Wharfedale Gardens & Lonsdale  
Longheath Gardens & Ashburton  
Bridge Place  
Addington  
Waddon Community Outreach  
Thornton Heath Community Action Team

#### Elected Representatives

All LB Croydon Ward Councillors and the 3 borough Members of Parliament

#### Local Business Groups

Croydon BID  
Purley BID  
New Addington BID

#### Premises Licence Holders under the Gambling Act 2005

Twelve holders of premises licences issued by LB Croydon, two national trade bodies and two national licensing solicitors firms

#### Miscellaneous

The Metropolitan Police & the other Responsible Authorities under the Gambling Act 2005  
Croydon Voluntary Action  
Public Health Croydon  
Asian Resources Centre  
Westfield/Hammerson Partnership  
New Addington Pathfinders  
GamCare  
The BME Forum  
LB Croydon Access Officer  
Croydon Churches Forum  
Four neighbouring local authorities

In addition to the above, the consultation documents were placed on the Council website.

**From:** elizabeth speed [mailto:elizabethspeed@luxuryleisure.co.uk]  
**Sent:** 17 September 2015 12:26  
**To:** LICENSING  
**Subject:** Gambling Act 2005 – Statement of Principles Consultation

Dear Sirs

**Re: Gambling Act 2005 – Statement of Principles Consultation**

On behalf of Luxury Leisure, I make the following comments in response to the above consultation draft (the "Draft"):-

1. As the Authority will appreciate, in all matters of regulation under the Gambling Act 2005, it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that supports those it regulates to comply and grow. Additionally, when designing and reviewing policies, the Authority must, among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. Accordingly, we suggest that the Draft makes reference to this key influence, confirming that the Authority recognises that it is subject to and will comply with the Regulators' Code in relation to matters of gambling licensing and enforcement.
2. In Part B, Paragraph 1, at the bottom of page 7, reference is made to the third licensing objective and with reference to children, states "...that in practice that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling." As the Authority will appreciate, children are permitted to participate in some gambling and as such this passage is inappropriate as drafted - plainly they are permitted to be in close proximity to gambling in which they are participating.
3. The Draft deals with local risk assessments (R/As) at Part B Pages 9 and 10. It is important that the obligations concerning R/As are correctly set out. With respect, as currently drawn, the Draft does not do so clearly. Licensees or Applicants are obliged by the LCCP to "assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies and procedures and control measures to mitigate those risks.....". It is not, as the Draft suggests, a matter of preparing a R/A "of the local area" which suggests the obligation extends to providing a R/A for the area, divorced from the premises themselves. This is far beyond the parameters of the LCCP. We suspect that it was not intended to seek to cast the obligation as widely as the Draft suggests and we believe it important that the wording be revisited.
4. The Draft details in bullet points examples of factors for operators to consider. For clarity, we suggest that the Draft be amended to make clear that the location of schools, hostel, etc., are only relevant in the local area of the premises and not more widely.

5. One of the bullet points suggests that R/As should take account of the location of religious buildings in the area. The Draft does not refer to the Licensing Objective it suggests is engaged by such matters and we struggle to identify it. The R/A is to be about the risk to licensing objectives in the area local to the premises. This does not relate to a licensing objective and should be removed.
6. The Draft bullet points also refer to “available information about issues with problem gambling in the area”. This is so broadly worded as to be incapable of clearly ascertaining the extent of the obligation. Taken to its extreme, the wording could include information available anywhere in the world. We appreciate this is not the intention, but equally to ensure the operators’ obligations are clear, transparent and enforceable, we believe this passage should be corrected to narrow the scope, perhaps by saying “reasonably available”.
7. In the final bullet point of this section the Draft states that operators should assess the density of gambling premises in their locality. With respect, licensed gambling is a legal and legitimate leisure activity. Asking operators to take into account the existing density of licensed premises risks encroaching on matters of demand. If matters of density were to give rise to any concerns about crime and disorder, that would already be covered in an earlier bullet point in the section and by one of the three licensing objectives. This bullet point ends by saying that operators should “assess any negative impact their premises may have in that area” – although the Draft does not say it, this is of course limited to negative impact in terms of the licensing objectives and we suggest that this passage be amended to expressly reflect this. Of course, this final part (as underlined above) in relation to the licensing objectives, is what the R/As are actually about.
8. Although the Draft confirms that the Authority will seek to avoid duplication with other regimes, we note that there are a number of places where the Draft repeats the provisions of mandatory and default conditions and the LCCP. There is no need for the Authority to duplicate those conditions which are applied through legislation/conditions. Accordingly a number of the “measures” that are given as examples on page 11 are unnecessary. Similarly, the provisions referred to on page 12 for premises which offer Category C or above machines, are already set out in the Mandatory Conditions; and many of the bullet points at page 14 for AGCs and FECs are also duplicated as they appear in the LCCP and mandatory conditions. Furthermore, we do not understand why it was felt unnecessary to include such provisions for bingo and betting (other than tracks), if it is necessary to include them for AGCs and FECs. As well as being an unnecessary approach, it would be inconsistent to proceed in this way.

We hope that the above will assist.

Yours faithfully

**Elizabeth Speed**  
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Please ask for: Richard Taylor  
Direct Tel: 01482 590216  
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Our ref: RJT / LHK / 097505.00004  
#GS408987  
Your ref:  
Date: 07 October 2015

Dear Sir/Madam,

**Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

### **Working in partnership with local authorities**

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

### **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.



Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

*"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

### **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

### **Local area risk assessments**

With effect from 6<sup>th</sup> April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

### **Local Area Profiles – Need for an evidence based approach**

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

### **Concerns around increases in the regulatory burden on operators**

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

### **Employing additional licence conditions**

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

### **Specific Policy Comments**

Within the General Principles in paragraph 1 to Part B, there is an acknowledgment that moral objections to gambling and unmet demand are not criteria for a licensing authority when considering an application for a premises licence. The statement of principles would be assisted by recognising at this stage that issues of nuisance and the likelihood of the grant of planning permission or building regulation approval are also criteria which cannot be considered as part of a Gambling Act 2005 application.

On page 8, there is reference to "primary gambling activity" and a statement that the council endorses the view of the Gambling Commission that the primary activity of the premises should be that described, with gaming machines as an ancillary offer on the premises. Section 6 (Betting Premises) also makes reference to primary gambling activity. These sections paraphrase the advice note issued by the Gambling Commission in October 2013 – Indicators of Betting as Primary Gambling Activity but do not take into account the subsequent case law. The issue of primary gambling activity was considered in the case of *Luxury Leisure Limited v Gambling Commission* – May 2014 and the statement of principles needs to be amended to reflect the decision in that case. The decision was that there is no need for a contest between actual use of traditional over the counter betting and the use of gaming machines. The issue for consideration is whether or not there are sufficient facilities for betting available. The actual use of the facilities is not an issue. On this basis, the paragraph headed "Primary Gambling Activity" needs to be slightly amended whereas section 6 (Betting Premises) needs to be rewritten to ensure that there is no suggestion that operators will need to demonstrate over the counter betting as a primary activity of the premises.

The section head "Location" similarly needs to be reconsidered. This refers to the need to prepare local risk assessments when making applications for new licences/variations. The statement of

principles lists factors that it believes gambling operators should consider. Some of these are irrelevant.

The Social Responsibility Code Provision 10.1.1 requires that licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities and that licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy. It is therefore a requirement that the licensing authority identifies issues relevant to the licensing objectives. It is only risks to the licensing objectives that need to be dealt with. Therefore, the proximity of a proposed betting office to a religious building cannot be a relevant consideration. This is also directly contrary to the Gambling Commission's view (recognised earlier in the statement of principles) that moral objections to gambling are not a valid reason to reject applications.

The status of the night time economy cannot be a relevant consideration. The first licensing objective is preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Issues of anti-social behaviour, therefore, caused outside gambling premises cannot be an issue for a local area risk assessment.

The penultimate bullet point indicates "Croydon has a diverse socio-economic makeup and the council will expect operators to assess the risks that a licensed premises may present in such areas and to set out any mitigation measures that they would intend to use to reduce any such risks." It is not clear what this means. The socio-economic makeup of an area has no relevance to whether or not a gambling establishment is operating in a manner that is reasonably consistent with the licensing objectives.

The final bullet point indicates that the council will expect operators to assess the existing density of licensed gambling premises in the area. Once again, this can have no bearing on the licensing objectives. Demand is not an issue for consideration and therefore unless there is a risk to the licensing objectives caused by proximity (and it is difficult to see how there possibly can be) then this is an irrelevant consideration and this bullet point should be removed.

The statement of principles would be assisted by an acknowledgement in the exposition of the licensing objectives, that the prevention of nuisance is not a licensing objective under Gambling Act 2005.

The ABB welcomes the fact that any conditions attached to licences will be proportionate, relevant, directly related to the premises and reasonable in all respects. The statement of principles would be assisted by a statement that the starting point, when considering an application, is that it will be granted subject only to the mandatory and default conditions. The statement of principles should be clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives such that there is a need to supplement the existing mandatory and default conditions. The policy should also be clear that conditions will only be imposed where there is evidence rather than a "perceived need" or a "concern".

The ABB welcomes the acknowledgement that there is currently no apparent evidence that the operation of betting offices requires door supervision and that this will only be considered if there is clear evidence of a need to do so.

## Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,



**GOSSCHALKS**

The Licensing Team  
Place Department  
London Borough of Croydon  
Floor 10, Zone B  
Bernard Weatherill House  
8 Mint Walk  
Croydon  
CRO 1EA

15<sup>th</sup> October 2015

Dear Sir,

**Consultation on the London Borough of Croydon Council's Statement of Principles – Gambling Act 2005**

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of any moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications and variations (requirement is from 6<sup>th</sup> April 2016) following the consultation completion (your detail commences on Page 9). We do politely wish to highlight that we are not of the opinion however regarding the proximity of a premises in relation to schools and leisure facilities. Whilst each application will be judged on its merits as mentioned at several points within your statement, Coral knows of no evidence that the location of a licensed betting office within the proximity of schools and similar locations mentioned in the risk statement causes harm to the licensing objectives. We appreciate that such locations are included within Gambling Commission guidance to councils but wish to ensure that by inclusion in the risk assessment, there is no inference that such locations are at greater risk of causing harm to the licensing objectives.

Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific



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One Stratford Place, Montfichet Road, London E20 1EJ  
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT  
Registered in England No. 541600  
Tel: 020 3288 7000 Fax: 020 3288 7050



1700+ shops



mobile



coral.co.uk



0800 242 232

a  company

A2

risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle  
Director of Development – Coral Retail

**From:** Andrew Lyman [<mailto:alyman@williamhill.co.uk>]  
**Sent:** 16 October 2015 15:25  
**To:** LICENSING  
**Subject:** Response to Consultation on Gambling Act Statement of Principles

Set out below is William Hill's response to the consultation on the Statement of Principles for Gambling.

William Hill is currently the UK's largest betting operator with some 2300 betting shops. We have 29 shops within the Authority area.

The Authority will have its own data on the number of betting shops, but we believe that there has been no significant rise in overall industry shop numbers (as a percentage of total shop numbers) since the inception of the Gambling Act 2005.

We value being in the regulated sector and commit considerable financial and other resources to regulatory compliance, community engagement and corporate responsibility.

The Council should be clear that it is under a legal duty to aim to permit gambling. It therefore follows that it cannot then construct a Statement of Principles that seeks, in anyway, to undermine that fundamental principle.

William Hill makes application for premises licenses having been through a Gambling Commission suitability assessment and having been granted an Operating licence,

It is, like other operators, subject to an extensive regulatory regime both at operating and premises level.

Whilst we support the idea of localised premises risk assessment, the Authority must not seek to reverse the burden of proof in the licensing process by creating a number of additional hurdles to compliance.

The Authority should periodically publish a comprehensive and evidence based local area profile. Operators should not just have to work through a list of theoretical risk factors and second guess the Authority. For example, the fact that an area has a relatively higher crime rate, is deprived or contains a higher proportion of young families or youth premises is on its own broadly irrelevant. The question is "can that betting premises in that location (with the appropriate risk controls) operate in a manner that is broadly consistent with the Licensing Objectives). The Authority needs to publish clear and transparent data relating directly to gambling related harm. Operators should not have to second guess the Authority. This would clearly be against better regulation principles.

We note that this policy statement contains no exposition of the pre existing regulatory controls and social responsibility obligations already placed on operators.

Most of the risks articulated in this document are already mitigated by the existing regulatory regime and the Authority should not seek to impose additional conditions (outwith the mandatory and default conditions unless there are clear reasons to do so).

Our detailed comments are set out below:

Location (page 8) - *The Council is also aware that in certain areas of the borough, whether it be for commercial reasons or by coincidence, clustering of licensed gambling premises, specifically*



***betting shops, has seemingly occurred since the Gambling Act 2005 came into being. Where it is apparent that clustering of licensed premises has occurred, the Council is mindful to ensure that that has not nor does not have a negative impact on the three licensing objectives and as a result, the local community.***

Clustering of betting shops is a natural consequence of the market liberalisation granted under the Gambling Act 2005 (as a quid pro quo for increased levels of social regulation). It would be unlawful under the Act to place obligations on operators to consider the risks of clustering per se. This matter falls to be considered under planning legislation and the law and guidance is clear that planning and licensing issues should not be conflated. This is a clear example of the authority attempting to draft an exclusionary policy, to reverse the burden of proof and to undermine the aim to permit principle.

We actually favour a “cumulative impact” test, but it does not exist in law and cannot be imposed through this policy.

***The Council will expect operators to assess the existing density of licensed gambling premises in the area local to their licensed or application premises and assess any negative impact their premises may have in that area.***

They do state earlier that: **Location - The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can be.**

As above this paragraph is a clear attempt to circumvent the legislation and reverse the burden of proof. If the authority have clear evidence of apparent risk (as opposed to theoretical risk) in this area, they should publish the empirical evidence as part of the local area profile.

**Page 10 (crime and disorder) - The Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Therefore, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable.**

The Authority are reminded that they should not operate an exclusionary policy and that matters need to be evidence led. The Authority should also take care not to apply too wide an application of the Crime and Disorder Objective. The authority is respectfully reminded that “nuisance” is not the subject of a licensing objective.

**Page 13 - Door Supervisors – this Council notes that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protecting children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. Whilst there is currently no apparent evidence that the operation of betting offices requires door supervisors for the protection of the public, this authority will consider making a door supervision requirement with regard to a betting office if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and/or that door supervision is both necessary and proportionate.**

Betting operators have clear obligations under the law and the operation of “Think 21” policies are generally effective. William Hill has a Primary Authority partnership with Westminster City Council

for age restricted products. Our experience is that door supervisors are an ineffective way of protecting the Licensing Objectives and they have no authority to police the street.

**Page 17 Crime and disorder - Where two or more Betting shops are sited in a neighbourhood shopping area or town centre, the Licensing Authority considers it appropriate that the managers of each shop meet with the local police and representatives of the other Responsible Authorities on at least a quarterly basis to discuss local crime and disorder problems and certain individuals that persistently cause crime and disorder in Gambling Premises. The Licensing Authority also considers the Safer Croydon Radio scheme is an essential and effective measure for supporting the 'Crime and Disorder' Licensing Objective. It considers it appropriate that Gambling Premises belong to the scheme and train staff to use the radios to prevent and deter crime and disorder. The Licensing Authority considers that the sharing of information as above and membership of the Safer Croydon Radio scheme combined can actively reduce the risk of crime and disorder associated with betting shops.**

This reference is we believe a clear abuse of process. This is a clear attempt to impose a collective licensing condition here in respect of what should be a voluntary arrangement between operators and the authorities. We welcome voluntary schemes such as "Betwatch", but operators are entitled to make their own evaluation of the effectiveness of schemes and this policy document should not be used to impose additional costs on operators. This onerous requirement needs to be removed.

Andrew Lyman  
Director of Group Regulatory Affairs

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**APPENDIX 3**

Respondee	How / When	Comments incorporated into policy	Comments not incorporated into policy
Luxury Leisure Ltd.	E mail received 17 September 2015	<p>Point 1 in letter addressed at 5<sup>th</sup> paragraph on page 5 with '<b><i>This Council recognises that it is subject to and will comply with the Regulators' Code developed by the Better Regulation Delivery Office in relation to matters of gambling licensing and enforcement.</i></b>'</p> <p>Point 2 in letter addressed at last paragraph on page 7 with '<b><i>in which by law they are not allowed to participate.</i></b>'</p> <p>Point 3 in letter addressed at pages 8 &amp; 9 with '<b><i>to prepare robust and considered assessments of the local risks to the licensing objectives posed by the provision of gambling facilities at the application premises and address all factors that may have a negative impact on the</i></b></p>	Point 8 in letter noted but it is not felt the Statement needs amending further to reflect the comments made.

***licensing objectives.'***

Point 4 in letter addressed at bullet point 1 and 2 at page 9 with '***The location of schools, sixth form colleges and youth centres in the local area of the licensed or application premises, with reference to the potential risk of under age gambling or the direct exposure to gambling by under age persons as a result and the mitigation measures the operator intends to introduce to reduce any such risks;***

***The location of hostels or places offering support services for vulnerable people, such as those with addiction issues or who are homeless in the local area of the licensed or application premises.'***

Point 5 in letter acknowledged and references to religious buildings on page 9 removed.

Point 6 in letter addressed at 3rd

<p>Gosschalks Solicitors on behalf of the Association of British Bookmakers</p>	<p>Letter dated 7 October 2015</p>	<p>bullet point at page 9 with <b><i>‘Any reasonably available information about issues with problem gambling in the area of the licensed or application process.’</i></b></p> <p>Point 7 in letter addressed at 3<sup>rd</sup> bullet point on page 9 with insertion of <b><i>‘In assessing the negative impact premises may have on the licensing objectives, the Council will expect operators to include consideration of the existing density of licensed gambling premises...’</i></b></p> <p>2<sup>nd</sup> paragraph at page 6/7 – point acknowledged and references to religious buildings on page 9 removed.</p> <p>3<sup>rd</sup> paragraph at page 6/7 – wording of 3<sup>rd</sup> bullet point on page 9 of statement amended to specifically make the focus being the provision of gambling facilities and any risk to the licensing objectives, with the status of night time economy</p>	<p>Page 5/7 – <i>‘The statement of principles would be assisted by recognising at this stage that issues of nuisance and the likelihood of the grant of planning permission or building regulation approval are also criteria which cannot be considered as part of a Gambling Act 2005 application.’</i> We believe these points are already adequately covered in the existing Statement in the 3<sup>rd</sup> and 5<sup>th</sup> paragraphs on page 10.</p>
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		<p>just being part of considerations.</p> <p>4<sup>th</sup> paragraph on page 6/7 – point acknowledged and sentence including the words ‘diverse socio economic makeup...’ removed from relevant bullet point on page 9 of Statement.</p> <p>5<sup>th</sup> paragraph on page 6/7 – wording of 3rd bullet point on page 9 amended with insertion of <b><i>‘In assessing the negative impact premises may have on the licensing objectives, the Council will expect operators to include consideration of the existing density of licensed gambling premises and the status of the night time economy in the area local to their licensed or application premises. The Council will expect operators to particularly assess the risk of gambling being a source of crime, being associated with crime or being used to support crime in that area and to set out any mitigation measures they would intend to introduce to reduce any</i></b></p>	
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<p>Coral Racing Ltd.</p>	<p>Letter dated 15 October 2015</p>	<p><b><i>such risks.</i></b></p> <p>Last paragraph on page 6/7 of letter – Statement amended on page 11 with relevant paragraph amended as follows <b><i>‘Conditions – The starting point when considering an application is that it will be granted subject only to the mandatory and default conditions and additional conditions will only be imposed where there is evidence of a risk to the licensing objectives, such that there is a need to supplement the existing mandatory and default conditions.’</i></b></p>	<p>3<sup>rd</sup> paragraph of letter – we do not believe the Statement needs amending to reflect the point made regarding schools and sixth form colleges. These are suggested types of premises (amongst others) that it is recommended operators be cognisant of when preparing their risk assessments but only in relation to the licensing objectives.</p>
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<p>William Hill Ltd.</p>	<p>E mail received 16 October 2015</p>	<p>Page 2 of their letter- <i>‘Clustering of betting shops is a natural consequence of the market liberalisation granted under the Gambling Act 2005 (as a quid pro quo for increased levels of social regulation). It would be unlawful under the Act to place obligations on operators to consider the risks of clustering per se. This matter falls to be considered under planning legislation and the law and guidance is clear that planning and licensing issues should not be conflated. This is a clear example of the authority attempting to draft an exclusionary policy, to reverse the burden of proof and to undermine the aim to permit principle.</i></p> <p><i>We actually favour a “cumulative impact” test, but it does not exist in law and cannot be imposed through this policy.’</i></p> <p>It is acknowledged that commercial need is not a relevant criteria when considering an application and therefore to avoid confusion, the</p>	<p>Page 3 of their letter - <i>The Authority are reminded that they should not operate an exclusionary policy and that matters need to be evidence led. The Authority should also take care not to apply too wide an application of the Crime and Disorder Objective. The authority is respectfully reminded that “nuisance” is not the subject of a licensing objective.</i></p> <p>The Council is aware that nuisance is not the subject of a licensing objective and believe the existing wording at page 10 under the heading <u>‘Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime –’</u> identifies the distinction between disorder &amp; nuisance.</p>
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wording at the specific paragraph on page 8 of the Statement regarding clustering of betting shops has been removed.

Page 2 of their letter - *The Council will expect operators to assess the existing density of licensed gambling premises in the area local to their licensed or application premises and assess any negative impact their premises may have in that area.*

*They do state earlier that: Location - The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can be.*

*As above this paragraph is a clear attempt to circumvent the legislation and reverse the burden of proof. If the authority have clear evidence of apparent risk (as opposed to theoretical risk) in this area, they should publish the empirical evidence as part of the local area profile.*

		<p>The Council is aware that the density of existing licensed premises in an area is not in itself a reason to refuse a new application. The wording of the relevant bullet point at page 9 of the Statement has been amended accordingly to clarify.</p> <p>Page 3 of their letter, final paragraph – <i>‘This reference is we believe a clear abuse of process. This is a clear attempt to impose a collective licensing condition here in respect of what should be a voluntary arrangement between operators and the authorities. We welcome voluntary schemes such as “Betwatch”, but operators are entitled to make their own evaluation of the effectiveness of schemes and this policy document should not be used to impose additional costs on operators. This onerous requirement needs to be removed.’</i></p> <p>There is no intention to impose such a collective condition and we do not believe the wording as drafted inferred that. However,</p>	
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		<p>to clarify matters, the wording has been amended from '<i>considers it appropriate</i>' to '<i>strongly encourages...</i>'. Such schemes can be of much use, as William Hill also appear to acknowledge.</p>	
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**CROYDON  
COUNCIL**

**Appendix 4**

# STATEMENT OF PRINCIPLES

**PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE  
GAMBLING ACT 2005**

**IF YOU WOULD LIKE THIS STATEMENT IN LARGER PRINT,  
PLEASE CONTACT THE LICENSING TEAM ON 020 8760 5466  
OR AT [licensing@croydon.gov.uk](mailto:licensing@croydon.gov.uk)**

**London Borough of Croydon  
STATEMENT OF PRINCIPLES  
Gambling Act 2005**

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*This Statement of Principles was approved by the London Borough of Croydon on \*\* \*\* 2015.*

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 4th Edition, published September 2012.*



## PART A

### **1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005 ('the Act'), licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

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

The Council is aware that, as provided by 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 it is:

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

### **2. Introduction**

The London Borough of Croydon covers an area of 86.5 square kilometres and has a population of approximately 363,000. The borough is mainly urban in character, being made up of a number of district retail and commercial centres each surrounded by residential accommodation. Croydon town centre is a well defined retail and commercial area with a large number of shops and offices.

The London Borough of Croydon ('the Council') is the Licensing Authority for the purposes of the Act and is required to publish a Statement of Principles ('the Statement') which it proposes to apply when exercising its licensing functions under the Act. The Council's original Statement was approved by the full Council on 27 November 2006. Statements last for a maximum of three years but can be reviewed and revised by the Council at any time. All such reviews and revisions of the Statement will be subject to consultation and subsequent re-publication. ***The Statement was reviewed and subsequently re published by the Council, in accordance with the legislation, on 31 January 2010 and 31 January 2013. This is the third statutory review the Council has undertaken.***

The Council consulted widely upon this Statement and in accordance with the Act's requirements before its' final approval. A list of the persons and bodies consulted is attached at Appendix 1 to this Statement and included:

- The police for this Licensing Authority's area



- Croydon Children's Safeguarding Board
- All other responsible authorities under the Act
- Representatives of organisations involved in gambling in the area
- **Public Health Croydon**
- Local trader associations
- Local residents associations
- Local faith and voluntary groups/organisations
- All elected councillors and MP's in the borough
- The Council's Access Officer

Consultation took place between **4 September 2015 and 16 October 2015**.

The full list of consultees, comments received and details of their consideration by the Council are available on request to: The Licensing Team, Place Department, London Borough of Croydon, Bernard Weatherill House, 8 Mint Walk, Croydon or via the Council's website at: [www.croydon.gov.uk](http://www.croydon.gov.uk) .

It should be noted that this Statement sets out the factors the Council may take into account when considering applications made under the Act, and matters it will consider when deciding to review a licence. However it will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

To assist the reader, a Glossary of Terms is attached at Appendix 2 to this Statement.

### **3. Declaration**

In producing the Statement, the Council declares that it has had regard to the licensing objectives of the Act, the Guidance to Licensing Authorities ('the Guidance') issued by the Gambling Commission, and any comments received from those consulted on it.

### **4. Responsible Authorities**

In exercising its discretion under Section 157(h) of the Act to designate a body which is competent to advise the Council about the protection of children from harm, the following principles have been applied:

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

With those principles in mind this Council designates the Croydon Children's Safeguarding Board as competent to advise it.

The contact details of all the Responsible Authorities under the Act are available via the Council's website at: [www.croydon.gov.uk](http://www.croydon.gov.uk) or by contacting the Council's licensing team on 020 8760 5466 or at [licensing@croydon.gov.uk](mailto:licensing@croydon.gov.uk) .

## 5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. An interested party is defined in the Act as a person who in the opinion of the licensing authority which issues the licence or to whom the application is made:

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

The Council will determine whether a person is an interested party with regard to particular premises on a case by case basis and will not apply a rigid rule to its decision making. In doing so it will have regard to the below mentioned factors drawn from paragraphs 8.15 and 8.16 of the Statutory Guidance.

The factors the Council will take into account in each case when determining what 'sufficiently close to the premises' means will include relevant factors such as:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (in relation to the number of customers, routes likely to be taken by those visiting the establishment); and
- the circumstances of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for the Council to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

The factors the Council may consider relevant when determining whether persons have business interests which may be affected include:

- the size of the premises
- the 'catchment' area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area, that might be affected.

Interested parties can be persons who are democratically elected such as councillors and MP's. Whilst the national code of conduct for elected members (councillors) places restrictions on them appearing at and addressing licensing committee hearings, this does not prevent them from making written representations. Where the restrictions apply, councillors would need to request that someone else, other than another councillor, actually appeared at the hearing to address the committee on their behalf.

Effectively, with regard to applications and representations under the Act,

councillors and MP's are bound by the same rules as they are under the Licensing Act 2003. Further advice can be obtained on this point by contacting the Council's licensing team on 020 8760 5466 or at [licensing@croydon.gov.uk](mailto:licensing@croydon.gov.uk). If an MP/councillor is asked to represent an interested person at a hearing, no specific evidence of being asked to represent that interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter 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. Again, if there are any doubts then please contact the licensing department on 020 8760 5466 or at [licensing@croydon.gov.uk](mailto:licensing@croydon.gov.uk).

## **6. Exchange of Information**

When exercising its functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act, the Council will act in accordance with the provisions of the Act and ensure compliance with the provisions of the Data Protection Act 1998. The Council will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act and principles of better regulation.

The Guidance for local authorities refers to this matter and some relevant sections are:

- "As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of the applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay" (5.10).
- "Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. (Though if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.)" (5.13).

- “If it comes to the attention of licensing authorities that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes and makes it possible that the £2,000 in seven days is being exceeded, authorities should inform the Commission” (18.17).

## 7. Enforcement

When exercising its 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, the Council’s principles will be guided by the Guidance for local authorities and will endeavour to be:

- Proportionate: the Council should only intervene when necessary; remedies should be appropriate to the risk posed and costs identified and minimised;
- Accountable: the Council must be able to justify decisions and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: the Council should be open and keep regulations simple and user friendly; and
- Targeted: the Council should be focused on the problem and minimise side effects.
- Also, so far as possible, the Council will endeavour to avoid duplication with other regulatory regimes and aim to adopt a risk based inspection programme.

The main enforcement and compliance role for this Council in terms of the Act will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling 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 Council but will be notified to the Gambling Commission.

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

***This Council recognises that it is subject to and will comply with the Regulators’ Code developed by the Better Regulation Delivery Office in relation to matters of gambling licensing and enforcement.***

For the purposes of transparency, this Council’s enforcement/compliance protocols/written agreements will be available upon request to the licensing department on 020 8760 5466 or at [licensing@croydon.gov.uk](mailto:licensing@croydon.gov.uk). Our risk methodology will also be available upon request.

## **8. Licensing Authority functions**

As required under the Act, this Council will:

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

This Council will not be involved in licensing remote gambling, as this falls to the Gambling Commission via operating licences.

## PART B PREMISES LICENCES

### 1. General Principles

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

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

It is appreciated that as per the Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that "unmet demand is not a criterion for a licensing authority in considering an application for a premises licence".

**Meaning of "premises"** - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This Council takes particular note of the Guidance for local authorities, which at paragraphs 7.18 & 7.19 states:

Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling ***in which by law they are not allowed to participate***. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence (7.18).

In determining whether two or more proposed premises are truly separate, the licensing authority should be aware of factors which could assist them in making their decision. Depending on all the circumstances of the case, these may include:

- 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? (7.19)

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

### **Primary Gambling Activity**

***The Council will expect that sufficient facilities are available for the primary gambling activity permitted by the premises licence at individual licensed premises.***

**Location** - The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can be. As per the Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

***Croydon is a very diverse borough, both culturally and socio economically and also has areas where levels of crime and disorder and anti social behaviour are more prevalent than in others.***

***The Council is aware of the new requirement on gambling operators, due to come into effect in April 2016, to prepare local risk assessments in relation to their licensed premises. This Council expects all operators, especially when making new premises licence applications or when applying to vary the terms of an existing premises licence, to prepare robust and considered assessments of the local risks to the licensing***

**objectives posed by the provision of gambling facilities at the application premises and address any factors that may have a negative impact on the licensing objectives. It is not possible to provide a complete list of factors to consider in relation to the risk assessment but the following are examples of the factors the Council would expect gambling operators to consider –**

- The location of schools, sixth form colleges and youth centres in the local area of the licensed or application premises, with reference to the potential risk of under age gambling or the direct exposure to gambling by under age persons as a result and the mitigation measures the operator intends to introduce to reduce any such risks;**
- The location of hostels or places offering support services for vulnerable people, such as those with addiction issues or who are homeless in the local area of the licensed or application premises. The Council expects operators to give very careful consideration to the suitability of locating new licensed premises close to such sensitive premises, or to varying the terms of existing licenses in such areas, given the greater risk of problem gambling amongst these groups and would expect to see clear and robust mitigation measures from the operator on how they would intend to reduce any such risks;**
- Any reasonably available information about issues with problem gambling in the area of the licensed or application process. In assessing the negative impact premises may have on the licensing objectives, the Council will expect operators to include consideration of the existing density of licensed gambling premises and the status of the night time economy in the area local to their licensed or application premises. The Council will expect operators to particularly assess the risk of gambling being a source of crime, being associated with crime or being used to support crime in that area and to set out any mitigation measures they would intend to introduce to reduce any such risks.**
- The Council will expect operators, perhaps in prior discussions with the Police, to assess patterns of crime, disorder and anti-social behaviour in the area local to the licensed or application premises, specifically that linked to gambling premises and set out the measures they believe will mitigate any risks of their premises having a negative impact on those crime etc. patterns.**

**While none of the above preclude any application being made and each application will be decided on its merits, it is expected that any application will demonstrate how potential risks/concerns can be overcome.**

### **Local Area Profiles**

**The Council is aware of the Gambling Commission recommendation that licensing authorities map and prepare their own assessments of local**



***risks, in the form of local area profiles. The Council confirms that such profiles will be prepared and be available for operators to utilise when preparing their risk assessments, as above, from April 2016 onward. At this time, the Council intends that the local area profiles will be compiled on a ward by ward basis across the borough and that they will be available separate to this document, either by direct download from the Council website or through a specific request to the Council licensing team.***

***Undoubtedly, such local areas profiles will develop over time but at the outset, they will incorporate data on the matters listed above, to assist operators.***

**Duplication with other regulatory regimes** - The Council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will, however, 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.

**Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Guidance to local authorities:

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Therefore, where an area has known high levels of organised crime this authority will carefully consider the effect on the licensing objectives of gambling premises being located in this area and whether additional conditions may be appropriate. The Council is aware of the distinction between disorder and nuisance and in determining whether disorder may occur, will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - The Council has noted that licensing authorities would generally not be expected 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 its role with regard to tracks is explained in more detail at paragraph 7.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – The Council notes that 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). The Council will therefore consider, as suggested in

the Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include:

- proof of age schemes
- supervision of entrances
- supervision of machine areas
- physical separation of areas
- appropriate notices/signage
- location of entry

The Council will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises. The Council is aware of the British Beer & Pub Association (BBPA) Code of Practice concerning the social use of gaming machines in pubs, clubs and amusement arcades to protect the interests of children and vulnerable people. The BBPA code requires that all gaming machines in pubs, clubs and arcades shall:

- display the GamCare helpline number
- have clear signage forbidding play by under 18's and
- be supervised to ensure that there is no underage play.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” In relation to this licensing objective, the Council will consider each application on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated.

***Conditions – The starting point when considering an application is that it will be granted subject only to the mandatory and default conditions and additional conditions will only be imposed where there is evidence of a risk to the licensing objectives, such that there is a need to supplement the existing mandatory and default conditions.***

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

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

Decisions upon additional conditions will be made on a case by case basis, although there will be a number of measures that the Council will consider utilising should there be a perceived need. There are specific comments made in this regard under some of the licence types below.

The Council may consider measures to meet the licensing objectives, such as:

- leaflets giving assistance to problem gambling to be clearly displayed in all areas of the premises
- self exclusion forms to be made available for customer use
- machines such as fixed odds betting terminals to clearly display odds
- ATM or cash terminals to be sited away from gaming machines
- Details of the GamCare helpline and website to be displayed prominently in premises

The Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Guidance.

The Council will also ensure that where category C or above 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.

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

The Government has issued regulations that set out the categories of gaming machines, with the maximum stakes and prizes that apply, and these are as follows:

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	<b>£5</b>	<b>£10,000</b>
B2	£100 (in multiples of £10)	£500
B3	£2	£500
B3a	£2	£500
B4	£2	<b>£400</b>
C	£1	<b>£100</b>
D	10p <b>money</b> or 30p when non-monetary prize	£5 cash or £8 non-monetary prize
D non money prize (crane grab machine)	£1	£50

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

It is noted that there are conditions which the Council cannot attach to premises licences which are:

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

**Door Supervisors** – this Council notes that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protecting children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. Whilst there is currently no apparent evidence that the operation of betting offices requires door supervisors for the protection of the public, this authority will consider making a door supervision requirement with regard to a betting office if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and/or that door supervision is both necessary and proportionate.

Where operators and the Council decide that supervision of entrances/machines is appropriate for particular cases, it will need to be decided whether these staff need to be Security Industry Authority (SIA) licensed or not. Furthermore, if a person carries out 'door supervisor' duties but is exempt from the requirement to be licensed by the SIA, the Council will expect that person to be trained to a nationally recognised standard and be able to show that they have undergone relevant and appropriate police records checks. Door supervision will not, however be seen in isolation as the only remedy for concerns and the Council will consider other options, if considered appropriate, to achieve the licensing objectives.

## **2. Adult Gaming Centres**

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The Council may consider measures to meet the licensing objectives, such as:

- Proof of age schemes

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

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

### **3. (Licensed) Family Entertainment Centres**

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

The Council may consider measures to meet the licensing objectives, such as:

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

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

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

### **4. Casinos**

The Council has not passed a 'no casino' resolution under Section 166 of the Act but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the full Council.

The Council is aware that, where its area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005), there are likely to be a number of operators which will want to run the casino. In such situations the Council will run a 'competition' under Schedule 9 of the Act and in line with any regulations / codes of practice issued under the Act.

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

## **5. Bingo premises**

The Council notes that the Guidance states:

Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas (18.4).

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 (18.6).

Section 172(7) provides that the holder of a bingo premises licence may 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. 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. The holder of bingo premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines (18.7). The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises (18.8).

The Council will have regard to the Guidance on the issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises.

## **6. Betting premises**

The Council may consider measures to meet the licensing objectives, such as:

- leaflets giving assistance to problem gambling to be clearly displayed in all areas of the premises
- self exclusion forms to be made available for customer use
- machines such as fixed odds betting terminals to clearly display odds
- ATM or cash terminals to be sited away from gaming machines
- details of the GamCare helpline and website to be displayed prominently in premises
- provide door supervision

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

While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no apparent evidence that such machines in betting offices give rise to regulatory concerns. This authority will, however, consider limiting the number of machines where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter and such other relevant factors.

With regard to door supervision, whilst there is no apparent evidence that the operation of betting offices requires door supervisors for the protection of the public, this authority will consider making a door supervision requirement if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and/or that door supervision is both necessary and proportionate.

With regard to applications to re-site betting office premises in the locality to provide improved facilities for customers, this authority will treat any such application on its individual merits but recognises that such applications may enhance the quality of the facility provided for the benefit of the betting public.

***The Council will expect that sufficient facilities are available at individual licensed premises for the provision of betting and that betting is the primary gambling activity at the premises. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licenses.***

In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity.

- The offer of established core products (including live event pictures and bet range)
- The provision of information on products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

***Where two or more Betting shops are sited in a neighbourhood shopping area or town centre, the Licensing Authority strongly encourages the managers of each shop to meet with the Police and representatives of the other Responsible Authorities on at least a quarterly basis to discuss local crime and disorder problems and certain individuals that persistently cause crime and disorder in Gambling Premises.***

***The Licensing Authority also encourages participation in the Safer Croydon Radio scheme as a significantly effective measure for supporting the 'Crime and Disorder' Licensing Objective. It strongly encourages gambling premises to belong to the scheme and to train staff to use the radios to prevent and deter crime and disorder.***

The Licensing Authority considers that the sharing of information as above and membership of the Safer Croydon Radio scheme combined can actively reduce the risk of crime and disorder associated with betting shops.

## **7. Tracks**

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

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

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

- Proof of age schemes



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

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

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

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

### **8. Travelling Fairs**

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

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

It has been noted that the 27-day statutory maximum for the land being used as 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. The Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

### **9. Provisional Statements**

The Council notes the Guidance which states that "it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

Therefore, the Act allows an operator to apply for a provisional statement if a building is not yet complete, needs alteration or he/she does not yet have a right to occupy it. This would allow an operator to know whether a full premises licence would, in due course, be granted.

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

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the Council's opinion, reflect a change in the operator's circumstances.

The Council notes that licensing authorities should not take into account irrelevant matters. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

## **10. Reviews**

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

In addition, consideration will be given as to whether the request for review is frivolous, vexatious, would not cause the Council to wish to alter/evoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

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

**PART C**  
**Permits / Temporary & Occasional Use Notice**

**1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

Where premises do not hold a premises licence but wish 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).

The Council may prepare a separate *statement of principles* that it would propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act. It is proposed that any statement regarding Unlicensed Family Entertainment Centre (FEC) permit applications be appended to this main statement of principles.

An application for a permit may be granted only if the Council 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 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); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that the Council cannot attach conditions to this type of permit.

The Council has not currently adopted a Statement of Principles on Permits. Should it decide to do so it will be available from the Licensing Team. Potential applicants / other interested persons are advised to check with the Licensing Team as to whether a Statement of Principles on Permits has been adopted.

**2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**

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

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided

to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);

- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Council will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters as they think relevant.” The Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare. Each application for more than 2 gaming machines in licensed premises shall, therefore be dealt with on its merits.

The Council 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.

It should also be noted that 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.

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.

### **3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))**

The Act 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 proposes to consider in determining the suitability of the applicant for a permit. It is proposed that any statement regarding Prize Gaming Permit applications be appended to this main statement of principles.

The Council may require applicants to set out the types of gaming that he or she is intending to offer and furthermore that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;

- and that the gaming offered is within the law.

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.

Though there are conditions in the Act with which the permit holder must comply the licensing authority cannot attach its own conditions. The conditions in the Act are:

- limits on participation fees, as set out in regulations;
- 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.

#### **4. Club Gaming and Club Machines Permits**

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine 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 Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

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. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming 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.

The Council may only refuse an application on the grounds that:

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

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). Under this procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. However an application under the process may be refused due to the fact that:

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

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **5. Temporary Use Notices**

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 (SI. No. 3157) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner.

The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. 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 needs to look at, amongst other things, the ownership/occupation and control of the premises.

The Council may 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."

## **6. Occasional Use Notices**

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

## **7. Small Society Lotteries**

This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority on 020 8760 5466 to seek further advice.

### **NOTE:**

Information regarding this Statement of Principles and the Act in general can be obtained from:

***The Licensing Team, Place Department, London Borough of Croydon, Bernard Weatherill House 8 Mint Walk, Croydon, CR0 1EA.***

E-mail: [licensing@croydon.gov.uk](mailto:licensing@croydon.gov.uk) or telephone 020 8760 5466.

Information about the Act can also be obtained from the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) or the Department of Culture, Media and Sport website at [www.culture.gov.uk](http://www.culture.gov.uk)

**Gambling Act 2005 - Statement of Principles**

**Glossary of Terms**

1. The Licensing Objectives under the Gambling Act 2005 –

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives set out in section 1 of the Act. In particular, licensing authorities must have regard to the licensing objectives when exercising their functions in relation to premises licences, temporary use notices and some permits. The objectives are:

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

2. Responsible Authorities –

Public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications.

3. Interested Parties –

An interested party may make representations on an application. Someone who the licensing authority considers lives sufficiently close to the premises to be likely to be affected by the authorised activities, has business interests that might be affected by the authorised activities or represents persons in either of these groups would be classed as an interested party. Democratically elected people like Ward councillors and MP's can also be interested parties.

4. Enforcement –

Enforcement is carried out by authorised officers of the licensing authority and responsible authorities to ensure compliance with legislation.

5. Adult Gaming Centre –

An amusement arcade to which only persons over the age of 18 years may be admitted. These premises are allowed certain higher categories of gaming machine.

6. Licensing Family Entertainment Centre –

An amusement arcade to which persons under 18 years of age may be permitted. These premises are allowed one higher category of gaming machine but under 18's must not be permitted to use these.



#### 7. Unlicensed Family Entertainment Centre –

An amusement arcade that is only allowed the lowest category of machine and persons under 18 years of age are allowed access.

#### 8. Bingo Premises –

Premises permitted to offer games of bingo and certain categories of gaming machine.

#### 9. Betting Shop –

Premises permitted to offer the placing of bets and certain categories of gaming machine.

#### 10. Betting Track –

A horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place.

#### 11. Casino –

A casino permits the participating in of one or more casino games, which means games of chance. A casino is also allowed to offer certain higher categories of gaming machine.

#### 12. Provisional Statement –

A person may apply for a provisional statement for a premises that he or she:

- Expects to be constructed
- Expects to be altered
- Expects to acquire a right to occupy

#### 13. Review –

A responsible authority or interested party may seek a review of a premises licence if, for example, they feel that one or more of the licensing objectives is being compromised by that licence.