

REPORT TO:	LICENSING COMMITTEE 20 November
AGENDA ITEM:	7
SUBJECT:	The Gambling Act 2005: Review of London Borough of Croydon Statement of Principles
LEAD OFFICER:	Executive Director, Planning & Environment
CABINET MEMBER:	Councillor Simon Hoar, Cabinet Member for Community Safety & Public Protection
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT:	
<p>FINANCIAL SUMMARY:</p> <p>The Gambling Act became fully operational on 1 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>	
FORWARD PLAN KEY DECISION REFERENCE NO.:	

For general release

<p>1. RECOMMENDATIONS</p> <p>The Committee is asked to:</p> <p>1.1 Consider the comments received as part of the formal consultation on the draft Statement of Principles and officers responses to those comments;</p> <p>1.2 Agree that the revised Statement of Principles as appears at Appendix 4 to this report be recommended for adoption to full Council at its meeting on 3 December 2012.</p>

2. EXECUTIVE SUMMARY

- 2.1 The Gambling Act 2005 came into force on 1 September 2007 and made local authorities, as licensing authorities, responsible for the administration of licences, registrations, permits, notices and notifications under the Act.
- 2.2 Local 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 also 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 the Committee's information, as a comparison, the following shows the current number of licensed premises, as opposed to that in 2007:
- Betting Shops – 2007 **59** – 2012 **66**
 - Bingo Premises – 2007 **1** – 2012 **2**
 - Adult Gaming Centres – 2007 **8** – 2012 **2**
 - Family Entertainment Centres – 2007 **0** – 2012 **0**
- 2.4 The Council licensing team undertake inspections and enforce the conditions on these issued licences, permits and notices. It also registers small scale society lotteries.
- 2.5 In addition to processing applications and enforcement responsibilities, the Act requires each local authority to determine and publish a Statement of Principles (the Statement) setting out how it will exercise 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 policy under review and revise it as it considers appropriate. In any event, before the conclusion of each 3 year period, the Act requires the Council to formally consult on its Statement of Principles, amend it accordingly and re publish it.
- 2.6 The first statutory 3 year review of the Council's Statement of Principles was undertaken in 2009 and the Statement was re published on 7 December 2009.
- 2.7 For the second statutory review, the Council must re publish its Statement by 31 December 2012; that being the required 4 weeks before the existing Statement expires.

3. DETAIL

3.1 On 3 August 2012, as part of the formal consultation on the proposed revisions, the draft Statement of Principles was circulated to a number of individuals and bodies, together with a covering letter which outlined the small number of suggested changes that had been made to the current Statement. These were statutory changes, made to reflect changes made by the Gambling Commission in their statutory guidance to the Act and concerned:

- The maximum stakes and prizes for certain gaming machines
- Bingo & Betting premises
- Track premises licences
- Temporary Use Notices
- Small Society Lotteries

3.2 The consultation period ended on 5 October 2012. A list of the individuals and bodies included in the consultation is attached at Appendix 1.

3.3 One written comment was received during the consultation period. This was from the Metropolitan Police and a copy is attached at Appendix 2.

3.4 A schedule of the specific comments made by the Police is attached at Appendix 3, showing where the Statement has, or has not, been changed as a result of those comments.

3.5 Attached at Appendix 4, therefore, is a copy of the draft, revised Statement of Principles that the Committee is recommended to approve for adoption by full Council. For ease of reference, where the statement has been amended to reflect the changes to statutory guidance and the Police comments, this is highlighted in ***bold and italics***.

3.6 Attached at Appendix 5 is a Glossary of Terms for the Gambling Act 2005.

4. CONSULTATION

4.1 The timetable leading up to the Statement of Principles being re published is as follows:

DATE	ACTION
05.10.12	Deadline for consultation responses.
20.11.12	Licensing Committee
03.12.12	Full Council
31.12.12	Publication (by)

5. FINANCIAL CONSIDERATIONS

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.

2 The Effect of the Decision

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

3 Risks

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

4 Options

There are no other options available to the Council

5 Savings/Future Efficiencies

None identified

(Approved by: Dianne Ellender, Head of Finance – Planning & Environment & Central Departments)

6. COMMENTS OF THE SOLICITOR TO THE COUNCIL

- 6.1 The Solicitor to the Council comments that s.349 of the Gambling Act requires the Council as Licensing Authority to review and then publish its Statement every three years. In determining what revisions may be made it must consider any comments made during the formal consultation period in the context of the Act, and any guidance or regulations made under it.

(Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Solicitor to the Council).

7. HUMAN RESOURCES IMPACT

- 7.1 The workload associated with the review of the Statement of Principles has been undertaken within existing resources.

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 having responsibility for the administration of licences and permits etc. under the Gambling Act 2005. The local authority is only responsible for premises. The licensing of operators is the responsibility of the Gambling Commission.

12. RISK ASSESSMENT

- 12.1 The decision making process with regard to a review of the Council's Statement of Principles may be subject to Judicial Review. A Judicial Review presents financial risks and risks to the reputation of the organisation which is subject to it. 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.

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

Addington Residents Association (RA)
Addiscombe and Shirley Park RA
Ashwood Gardens RA
Broad Green RA
Canning & Clyde Road RA
Coulsdon West RA
East Coulsdon RA
Kenley & District RA
Kuala Gardens Residents Forum (RF)
Marston Way RF
Central Norbury RA
North Downs RG
Old Town RF
Park Hill RA
Purley & Woodcote RA
Sanderstead RA
Scots Estate RA
Spring Park RA
Tollers Estate RA
Waddon RA

Elected Representatives

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

Local Business Groups

Croydon BID
Coulsdon Traders Association
New Addington Central Parade Committee
The Purley Forum
South London Ethnic Minority Business Association

Premises Licence Holders under the Gambling Act 2005

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

Miscellaneous

The Metropolitan Police & the other Responsible Authorities under the Gambling Act 2005
NHS SWL
GamCare

Mind in Croydon
The BME Forum
Citizens Advice Bureau – Addington
Citizens Advice Bureau – Thornton Heath
LB Croydon Access Officer
The Salvation Army (Croydon)
Croydon Churches Forum

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

Subject: Gambling Act 2005

As discussed, we have been moving towards a 'Gambling Watch' approach in Croydon Town Centre which involves the Police and the Council (and the BID) meeting regularly with the betting shop managers to discuss problems and specific individuals who cause trouble.

When you update the GA2005 policy could you include something along the following lines under the crime and disorder Licensing Objective:

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

Betting shopwatch –

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 other 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 sharing of such information is considered essential to supporting the above licensing Objective.

Safer Croydon Radio –

The Licensing Authority considers the Safer Croydon Radio scheme an essential and effective measure for supporting the 'Crime and Disorder' Licensing Objective. It considers it appropriate that Gambling Premises should belong to the scheme and train staff to use the radios to prevent and deter crime and disorder.

Co-operation between Gambling Premises Licence holders –

The Licensing Authority considers that the above two measures combined can support actively the reduction of crime and disorder related to premises with a Premises Licence under the Gambling Act 2005.

**Geoff Cooper
PS79ZD
Metropolitan Police
Croydon
Borough Licensing Officer**

APPENDIX 3

Respondee	How / When	Comments incorporated into policy	Comments not incorporated into policy
Metropolitan Police.	Comments received by e-mail on 13 August 2012.	<p>Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime.</p> <p>Betting shopwatch –</p> <p>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 other 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 sharing of such information is considered essential to supporting the above licensing Objective.</p> <p><i>The Council believes regular dialogue between licence holders and the responsible authorities is essential for the maintenance of the licensing objectives. Paragraph inserted at Part B, Chapter 6.</i></p>	

		<p>Safer Croydon Radio –</p> <p>The Licensing Authority considers the Safer Croydon Radio scheme an essential and effective measure for supporting the 'Crime and Disorder' Licensing Objective. It considers it appropriate that Gambling Premises should belong to the scheme and train staff to use the radios to prevent and deter crime and disorder.</p> <p><i>The Council believes the Safer Croydon Radio is an effective tool to assist licence holders and the responsible authorities, primarily the police, support the crime and disorder licensing objective. Paragraph inserted at Part B, Chapter 6.</i></p>	
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**CROYDON
COUNCIL**

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**

**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 ** ** 2012.*

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. Such 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 first reviewed and subsequently re-published by the Council, in accordance with the legislation, on 31 January 2010. This is therefore the second 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
- The local NHS
- 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 03 August 2012 and 05 October 2012.*

The full list of consultees, comments received and details of their consideration by the Council are available on request to: The Licensing Team, **Planning & Environment Department**, London Borough of Croydon, Taberner House, Park Lane, Croydon or via the Council's website at: 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 5 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.coydon.gov.uk or by contacting

the Council's licensing team on 020 8760 5466 or at 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. 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.

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

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. 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. 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 endorses the view of the Gambling Commission that the primary activity of the premises should be that described, for example in a bingo premises the primary activity is bingo, with gaming machines as an ancillary offer on the 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. Therefore, this Council will consider very carefully applications for premises licences in respect of certain gambling premises located very close to, for example, a school or centre for vulnerable adults. It should be noted that this does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

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 will be taking 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 consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable. The Council is aware of the distinction between disorder and nuisance and 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. For example, the Council is aware of the British Beer & Pub Association Code of Practice (BBPA) 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 - Any conditions attached to licences will be proportionate and will be:

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

Decisions upon individual 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	£2	£4000
B2	£100 (<i>in multiples of £10</i>)	£500
B3	£2	£500
B3a	£1	£500
B4	£1	£250
C	£1	£70
D	10p 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.

This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise 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 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.

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 (Sl. 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, ***Planning & Environment Department***, London Borough of Croydon, Taberner House, Park Lane, Croydon, CR9 3JS.
E-mail: 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 or the Department of Culture, Media and Sport website at 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.