



City of Westminster

# Cabinet Member Report

<b>Meeting or Decision Maker:</b>	<i>Cabinet Member for Public Protection</i>
<b>Date:</b>	<i>22 October 2015</i>
<b>Classification:</b>	<i>General Release</i>
<b>Title:</b>	<b><i>Formal agreement of the new 2016 – 2019 Statement of Licensing Principles for Gambling</i></b>
<b>Wards Affected:</b>	<i>All</i>
<b>City for All Summary</b>	<i>This decision will enable our communities to share in the economic prosperity. It will create opportunities for residents, businesses and visitors to make responsible choices for themselves, their families and their neighbourhood and we will protect and enhance Westminster's unique heritage so that every neighbourhood remains a great place to live, work and visit both now and in the future.</i>
<b>Key Decision:</b>	<i>No</i>
<b>Financial Summary:</b>	<i>None</i>
<b>Report of:</b>	<i>Julia Corkey, Director of Policy Performance and Communications and Stuart Love, Executive Director of City Management and Communities</i>

## **1. Executive Summary**

- 1.1 The Council's Statement of Licensing Principles for Gambling expires on the 30<sup>th</sup> January 2016. The Gambling Act 2005 (the Act) requires the Licensing Authority to prepare and publish a new three year Statement of Licensing Principles which will be effective from the 31<sup>st</sup> January 2016.
- 1.2 The Licensing Authority is adopting a two staged approach to the preparation and publication of its Statement of Principles. Stage 1 is the reproduction of the current Statement with minor amendments and updates. Stage 2 will be a complete revision of the Statement of Principles which will include a new

Local Area Profile, results from the Council's own Commissioned research and the implementation of new policies.

- 1.3. The stage 1 proposed new Statement of Licensing Principles for Gambling was consulted upon for a period of five weeks ending on the 2<sup>nd</sup> October 2015. The Council has received seven responses to that consultation. After considering these consultation responses and making minor amendments to the proposed draft the final version of the new Statement of Licensing Principles is attached at Appendix 1 to this report.
- 1.4 To fulfil the Council's statutory duties, it is recommended that the draft Statement of Licensing Principles is published on 1<sup>st</sup> December 2015, and adopted from 31<sup>st</sup> January 2016.

## **2. Recommendations**

- 2.1 That the Cabinet Member approves the draft Statement of Licensing Principles for Gambling attached as Appendix 1.
- 2.2 That the Cabinet Member approves the publication of the council's response document at Appendix 2 on the Council's website.
- 2.3 That the Cabinet Member recommend to full Council that the decision to publish and adopt the draft Statement of Licensing Principles for Gambling attached to this report as Appendix 1 be published on 1<sup>st</sup> December 2015, and made effective from 31<sup>st</sup> January 2016.

## **3. Reasons for Decision**

- 3.1 The approval of this final draft of the Statement of Licensing Principles for Gambling and recommendation that it be approved for publication by Full Council will ensure that the Council meets its statutory requirements for adopting this statement.

## **4. Background, including Policy Context**

- 4.1 The City Council as the Licensing Authority must prepare and publish a new Statement of Licensing Principles for Gambling every three years under the requirements of section 349 of the Act.
- 4.2 It has been agreed to run a two staged approach to prepare a new Statement of Licensing Principles for Gambling. Stage 1 is to re-adopt the current statement with minor amendments to outdated elements and to reflect legislative changes that have occurred during the past three years.
- 4.3 Stage 2 will be a completely revised statement which will take into account the Gambling Commission's new Licence Conditions and Codes of Practice relating to local risk assessments and their Guidance to Licensing Authorities. The revised statement will also include a new Local Area Profile which will include the results from the research into area based vulnerability to gambling related harm which the council has commissioned in partnership with

Manchester City Council and supported by the Local Government Association. In addition to this there will be a new structure to the statement to make it more user friendly to gambling operators and include new policies that will assist the council to consider applications under the Act. This revised statement will be subject to a separate public consultation over a longer period in 2016.

- 4.4 The draft Statement of Licensing Principles was consulted upon for a period of five weeks. During that period the Council received seven responses. Of the seven responses four were from local gambling operators, two were from national trade associations and one was from a charity. A full copy of those responses have been put into a table and attached to this report as Appendix 2.
- 4.5 Officers have considered the responses to this consultation in detail. In doing so a commentary of the considerations given to the consultation response and any action the council intends to amend the draft Statement of Licensing Principles for Gambling is contained within the table in Appendix 2 to this report.
- 4.6 During the consultation period the Gambling Commission published their 5<sup>th</sup> Edition of its Guidance of Licensing Authorities. The 5<sup>th</sup> Edition has been considered and changes have been made to the originally draft consultation version of the statement to reflect this new edition. In addition some other minor amendments were identified by officers during the consultation period which have also been implemented in the final draft of the Statement of Principles for Gambling. These amendments are detailed within Appendix 3 of this report.
- 4.7 The final draft of the statement attached as Appendix 1 reflects the council's considerations to the consultation responses and actions identified within Appendix 2 and also the modifications referred to in Appendix 3.

## **5. Financial Implications**

- 5.1 There are no direct financial costs as a result of approving this final version of the Statement.

## **6. Legal Implications**

- 6.1 The City Council has a requirement under section 349 of the Gambling Act 2005 sets out the requirements on the City Council as the Licensing Authority to prepare and publish a statement of principles for gambling.
- 6.2 Section 349(1) requires the Licensing Authority to prepare and publish a Statement of Principles before each successive period of three years. Within the proposed staged approach this Statement of Licensing Principles would meet the requirement of this subsection and is referred to as the statement in these sections. The requirement of section 349(1) means that even if the policy was reviewed and altered during the 3 year period, the 3 year period still remains a standalone period of time which is not reset.

- 6.3 Section 349(2) requires the Licensing Authority to review its Statement of Licensing Principles under this section from time to time if it is deemed necessary in light of a review to revise the Statement and publish any revision before giving it effect. It is proposed that the stage 2 revision will be undertaken under this sub-section. The stage 2 Statement will be a fundamental revision of the stage 1 Statement once agreed.
- 6.4 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 sets out the requirements for the legal requirements for the form of the statement or revision, what matters must be included and set out in separate sections within the statement or revision and the procedures for preparing or publishing a statement or revision.
- 6.5 Regulation 7 of these regulations set out the procedure to be followed in preparing the statement or revision for publication. The statement or revision must be published on the authority's website and be available for inspection at reasonable times on one or both of the following places:-
- 6.5.1 one or more public libraries within Westminster
  - 6.5.2 other premises situated in Westminster.
- 6.6 The Licensing Authority must also publish a notice advertising the statement or revision. That notice must be published no later than the first day on which the statement of revision is published on the Council's website and in or on one or more of the following places-
- 6.6.1 a local newspaper circulating in the area covered by the statement
  - 6.6.2 a local newsletter, circular, or similar document circulating in the area covered by the statement;
  - 6.6.3 a public notice board in or near the principle office of the authority;
  - 6.6.4 a public notice board on the premises of public libraries in the area covered by the statement.

## **7. Staffing Implications**

- 7.1 There are no staffing implications as a result of this report. The development of the Statement of Licensing Principles will be undertaken by the Licensing and Policy Strategy Manager and members of the Licensing Team.

## **8. Consultation**

- 8.1 Consultation on the draft Statement of Licensing Principles was carried out between the 28<sup>th</sup> August and the 2<sup>nd</sup> October 2015. During that period seven responses were received. Of those seven responses three responses were received from betting shop operators and one from a local casino. Two trade associations, the National Casino Forum and Association of British Bookmakers also responded. We received one response from the Citizens Advice Bureau. A copy of the submissions received during the consultation period are provided at Appendix 2 to this report.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact:**

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**BACKGROUND PAPERS:**

*Gambling Act 2005*

*Current Westminster City Council Statement of Licensing Principles for Gambling*

*Gambling Commission Consolidated Licence Conditions and Codes of Practice (LCCP)*

*Gambling Commission Guidance to Licensing Authorities 4<sup>th</sup> and 5<sup>th</sup> Editions*



*NB: For individual Cabinet Member reports only*

For completion by the **Cabinet Member for Public Protection**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

NAME: \_\_\_\_\_

State nature of interest if any

.....  
.....

*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled **Formal agreement of the new 2016 – 2019 Statement of Licensing Principles for Gambling** and reject any alternative options which are referred to but not recommended.

Signed .....

Cabinet Member for Public Protection

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:  
.....  
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Head of Legal and Democratic Services, Chief Operating Officer and, if there are resources implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the

criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.





City of Westminster

# Statement of Licensing Principles for Gambling

The Gambling Act 2005

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# Part 1: Licensing Authority, its Functions and Relevant Parties

# 1. Introduction

- 1.1 Under section 349 of the Gambling Act 2005 (the Act) the council is required to publish a statement of principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commission's Guidance to licensing authorities (5<sup>th</sup> Edition) contains further detail on the form of the council's statement of principles.
- 1.2 Gambling is a legitimate regulated activity that is enjoyed by a large number of the population. However, there are a number of people within our society who are at risk to gambling related harm. The council, as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the City to ensure that they meet the fundamental principles of the Act. In doing so the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm.
- 1.3 The Licensing Authority, in carrying out its functions under section 153 of the Gambling Act 2005 will aim to permit the use of premises for gambling in so far as it thinks it:
- (a) in accordance with any relevant code of practice under section 24
  - (b) in accordance with any relevant guidance issued by the Gambling Commission under section 25
  - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
  - (d) in accordance with this statement of licensing policy (Statement of Licensing Principles for Gambling) (subject to (a) to (c) above)
- 1.4 The aim to permit principle provides wide scope for the authority to impose conditions on a premises licence, reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Guidance issued by the Gambling Commission and this Statement of Licensing Principles.
- 1.5 The council's statement of principles is intended to be reasonably consistent with the three licensing objectives set out in the Act. These objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way;
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.6 This statement of licensing principles was prepared in 2015 and following consultation was agreed by the Council on the 11<sup>th</sup> November 2015. This new three year statement of licensing principles was published on 1<sup>st</sup> December 2015 and has effect from 31<sup>st</sup> January 2016.
- 1.7 The Act requires that the following people and bodies be consulted in the revision of the statement:
- The Chief Officer of Police;

- People and bodies representing the interests of persons in gambling businesses in the area;
  - People and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 1.8 The council consulted widely upon the revised statement of principles from 28<sup>th</sup> August 2015 to 2<sup>nd</sup> October 2015. A list of those consulted on the revision of the statement of principles is attached at Appendix 1.
- 1.9 It should be noted that this policy statement will not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

## **2. Declaration**

- 2.1 In reviewing this Statement of Licensing Principles, the council has had regard to the licensing objectives of the Act, and Guidance to licensing authorities issued by the Gambling Commission and has had regard to the responses arising from consultation.

## **3 Westminster's Geographical Area**

- 3.1 Westminster is the centre of many functions of the state: Buckingham Palace, the Houses of Parliament and the Royal Courts of Justice are within the boundaries. Westminster is also an important commercial centre and is a base for the headquarters of many national and international organisations and home to 4 of London's top universities. Its residents, numbering over 230,000, are outnumbered every day by the 550,000 people who work in the 47,000 businesses in Westminster and the other daily visitors who swell the daytime population to over 1 million.
- 3.2 Westminster contains 9 million square metres of office space, 2.3 million square metres of shops (1.6 million in the West End alone) and 1.1 million square metres of hotels. The City of Westminster is the gateway to the UK. Over 90% of visitors to the UK spend at least part of their stay in Westminster. Tourism in Westminster contributes £5 billion per annum to the economy in Westminster, and it supports 65,000 jobs in the City. The City has over 430 hotels, which makes up 40% of the hotel stock in London. The City has a wealth of entertainment and leisure venues including 38 theatres, 60 cinema screens, 20 casinos and over 3,000 eating, drinking and nightlife establishments.
- 3.3 Westminster is at the centre of the London transport infrastructure and has both of its busiest underground stations. It also has four main line rail termini and direct rail connections to Heathrow and Gatwick.

## Map of Westminster showing parks and main roads



### 4. Responsible Authorities

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

The principles are:

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

4.2 In common with its practice under the Licensing Act 2003, the council designates the Area Child Committee to advise on the protection of children from harm. The Responsible Authorities are therefore:

- The council's Licensing Service (as licensing authority)
- The Gambling Commission
- The Metropolitan Commissioner of Police
- The London Fire and Emergency Planning Authority
- The council's Planning Department (as planning authority)
- The council's Environmental Health Consultation Team (as the authority minimising or preventing the risk of environmental pollution and/or harm to human health)



- The Area Child Committee
  - H.M. Revenue and Customs
- 4.3 The Secretary of State has not, as yet, prescribed any further Responsible Authorities. The contact details of all the Responsible Authorities in relation to the Act are available at Appendix 3.

## 5. Interested parties

- 5.2 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Act as follows: "For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - b) has business interests that might be affected by the authorised activities, or
  - c) represents persons who satisfy paragraph (a) or (b)"
- 5.3 When determining whether a person is an interested party for the purposes of the Act the council will not apply rigid rules but will apply the principle that 'each case will be decided upon its merits.'
- 5.4 In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account:
- The size of the premises.
  - The nature of the premises
  - The distance of the premises from the habitual residence or workplace of the person making the representation.
  - The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
  - The circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 5.5 In determining whether a person or organisation "has business interests" the authority will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
- 5.6 The council will regard bodies such as trade associations, trade unions, residents' and tenants' associations, amenity societies, Ward Councillors, Members of Parliament and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The council will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
- 5.7 In principle, the council will allow any person to represent an interested party but it may seek to have it confirmed that the person genuinely represents the interested party. The council will generally require evidence that a person/body (e.g. an

advocate or relative) 'represents' someone. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.

- 5.8 If individuals wish to approach Councillors to ask them to represent their views then those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Service for advice.

## **6. Exchange of Information**

- 6.1 The council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 1998 will not be contravened. The council will also have regard to Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

## **7. Enforcement**

- 7.1 The principles to be applied by the council in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified, are stated below:

- 7.2 The council will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: only intervening when necessary: Remedies will be appropriate to the risk posed, and costs identified and minimised;
- Accountable: able to justify its decisions, and be subject to public scrutiny;
- Consistent: implementing rules and standards fairly in a joined-up way;
- Transparent: open, and keep conditions placed on premises licences simple and user friendly; and
- Targeted: focusing on the problems, and aiming to minimise the side effects.

- 7.3 The main enforcement and compliance role for the council is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the council, but the council will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

## **8. The council's functions**

- 8.1 Licensing authorities are required under the Act to:

- 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 the prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices for betting at tracks
- Provide information to the Gambling Commission regarding details of licences, permits and other permissions issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 Licensable activities are described in the Glossary at Appendix 2. It should be noted that local licensing authorities are not involved in licensing remote gambling at all. The licensing of remote gambling is the responsibility of the Gambling Commission via operating licences.

## **9. Duplication with other regulatory regimes**

9.1 The council will seek to avoid any duplication with other statutory and regulatory systems where possible, including planning. The licensing authority will not consider whether an application for a premises licence, permit or other permission is for premises that has been or is likely to be awarded planning permission or building regulations approval, in its own consideration of it. Nor will it regard the granting of a licence, permit or permission as fettering the council's ability to consider planning applications independently on their planning merits.

## Part 2: Licensing Objectives and Location

Policies that apply to this part:

- OBJ1** - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- OBJ2** - Ensuring that gambling is conducted in a fair and open way.
- OBJ3** - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- LOC1** - Location Policy

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

### Policy OBJ1

To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

#### Criteria:

- 10.1 Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that they have, or intends to, implement sufficient controls to prevent gambling from being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.

#### Considerations:

- 10.1.1 Where an area is known for high levels of crime the council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- 10.1.2 Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime
- 10.1.3 Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premises licenses, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.
- 10.1.4 Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- 10.1.5 Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

#### Reasons for Policy OBJ1

- 10.2 Applicants for premises licences will have to hold an operator's licence from the

Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's Guidance, codes or practice and this statement of principles.

- 10.3 The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will be reasonably consistent with this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The council will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission's requirements to obtain and hold an operator's licence, whilst the Licensing Authority's concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.
- 10.4 The council is aware that the police have experienced difficulty in certain areas of the City in dispersing people involved in drug related activity and on occasions prostitution who use licensed gambling premises as 'cover' to conceal their activities. The council, when considering any applications in such a location that has been identified by the police as having a problem with anti-social behaviour, particularly involving groups who loiter will expect applicants or licensees to demonstrate that they have sufficient measures in place to prevent or deter people involved in unlawful activities from using their premises to support crime or to avoid apprehension.

## 11. Ensuring that gambling is conducted in a fair and open way.

### **Policy OBJ2**

**To ensure that gambling is conducted in a fair and open way, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:**

#### Criteria:

- 11.1 Whether the premises will operate with such measures that will ensure that the gambling activity is conducted in a fair and open way.

#### Considerations:

- 11.1.1 Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- 11.1.2 Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- 11.1.3 Whether the management and operation of the premises is open and transparent.

11.1.4 Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.

11.1.5 Whether the Commissions Codes of Practice have been complied with.

Reasons for Policy OBJ2

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

## **12. Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

### **Policy OBJ3**

**To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.**

Criteria:

12.1 Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

Considerations:

12.1.1 Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to be reasonably consistent with this objective to exclude them from the premises or parts of the premises.

12.1.2 If the premises is an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.

12.1.3 Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.

12.1.4 Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

12.1.5 Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.

### Reasons for Policy OBJ3

- 12.2 The Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises. Other policies specifically deal with location although the applicant will have to demonstrate that there are suitable control measures to be reasonably consistent with this objective.
- 12.3 Persons under 18 cannot be admitted to many types of gambling premises. New gambling premises or variations to existing premises that are in close proximity to schools or main routes to schools will expect the applicant to have carefully considered their operation and any potential for exposing children and young people to gambling. Operators should demonstrate policies and procedures that will prevent children and young people from entering premises or partaking in gambling activities.
- 12.4 It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission 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”. This is the definition of vulnerable persons the council will use in its consideration of applications.

## **13. Safeguarding against Child Sexual exploitation (CSE)**

- 13.1 The Council acknowledges that CSE awareness doesn't just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.
- 13.2 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE as part of addressing policy OBJ1 and OBJ3 above. Measures may include, but are not limited to:
- awareness training for staff, including signposting to information or support services;
  - regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
  - close monitoring of patrons as they leave the premises;
  - recording and reporting concerns to the police.
- 13.3 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:
- developing relationships between a child and an older person;
  - children in the company of a group of older persons;



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

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

## 14. Location Policy

14.1. In considering the location of premises seeking premises licences, issues of demand cannot be considered either at a citywide or more local scale. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The council will pay particular attention to the suitability of a location for gambling activity in terms of the objective of the protection of children and vulnerable persons from being harmed or exploited by gambling, and the effect of crime and /or disorder on residents and on those working in and visiting the area.

### **Policy: LOC1**

Applicants for new or variation applications of premises licences within a sensitive location must include detailed information as to how the proposals will be reasonably consistent with the gambling objectives and policies OBJ1, OBJ2 and OBJ3 A sensitive location is defined as any premises which is within close proximity or on a main route to a school, other educational institution, hostel or other sensitive locations where there is the potential for exposing children, young people or other vulnerable persons to gambling.

### Reason for Policy LOC1

14.2 Before an application is made to the Licensing Authority the applicant should establish if there are any sensitive premises or locations within close proximity to the proposed gambling premises. If the premises is located near a sensitive premises or location the applicant should, in addition to their application, submit information as to how they plan to be reasonably consistent with the protection of children and other vulnerable persons from being harmed or exploited by gambling objective. The additional supporting information may contain the following information:

- how the premises operate will restrict access to children, young people or other vulnerable persons,
- whether a proof of age scheme is being used,
- will the appropriate number of security staff be employed at appropriate

- times ,
- will opening times be set so that the premises are not open during school start and finish times,
- what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc,

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

- 14.3 The applicant for a premises licence will have to specifically consider how the location of the premises will impact on the objectives. Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and propose ways that will reduce or remove any likely adverse impact on them.
- 14.4 The council will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives
- 14.5 The council considers that sensitive locations will include locations where there is a concentration of gambling premises in an area where children or other vulnerable persons are likely to be harmed or exploited.
- 14.6 It should be noted that this policy does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

## Part 3: Premises Licences

Policies that apply to this part:

- DAP1** - More than one licence and division of premises and access between premises policy
- CAS1** - Casinos
- BGO1** - Bingo
- BET1** - Betting (Other)
- BET2** - Betting Tracks including other sporting venues
- AGC1** - Adult Gaming Centres
- FEC1** - Family Entertainment Centres

## **15. Premises Licences**

- 15.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.
- 15.2 Premises licences can authorise the provision of facilities on:
- (a) casino premises,
  - (b) bingo premises,
  - (c) betting premises including tracks and premises used by betting intermediaries,
  - (d) adult gaming centre premises, or
  - (e) family entertainment centre premises.
- 15.3 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.
- 15.4 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may consider that conditions, other than the mandatory or default conditions are necessary to ensure that the premises are reasonably consistent with the licensing objectives, the Commission's codes of practice and/or local authority guidance, and this statement of principles.

## **16 Primary Gambling Activity**

- 16.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:
- (a) casino premises
  - (b) bingo premises
  - (c) betting premises, including tracks and premises used by betting intermediaries
  - (d) adult gaming centre premises (for category C and D machines)
  - (e) family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

(See Appendix 2 for definitions of categories of gaming machines)

- 16.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity in both the Local Authority Guidance and Licence Conditions and Codes of Practice. The Code of Practice and Guidance set out the requirements on operators to ensure that their premises meet the terms of the Act and the relevant conditions.
- 16.3 The council will take decisions in accordance with the Commission's Guidance and

Codes of Practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operator's licence. The council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

## **17 Conditions**

- 17.1 The majority of premises licences will have mandatory and/or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.
- 17.2 The Licensing Authority can attach conditions to any licence if it believes that the imposition of conditions will ensure that the operation of the premises is reasonably consistent with the licensing objectives. Any conditions attached to a licence 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;
  - related to the scale and type of premises; and
  - reasonable in all respects.
- 17.3 Certain matters are set out in the Act may not be the subject of conditions. These are
- conditions which make it impossible to comply with an operating licence.
  - conditions as to gaming machines that contradict the provisions in the Act.
  - conditions making activities, premises or parts of them operate as a membership club
  - conditions on fees, winnings, stakes or prizes.
- 17.4 Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the council will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as: the supervision of entrances; separation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in premises not specifically for adult gambling; appropriate signage for adult only areas, etc. The council will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.
- 17.5 The licensing authority will 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 any views of machines in category C or above and any access to them 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.

## **18 Buildings divided into more than one premises**

- 18.1 Part 7, paragraph 7.5 of the Commissions Guidance states that “there is no reason in principle why a single building could not 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”. Examples are given of multiple unit premises, such as pleasure parks, tracks, or shopping malls. A shopping mall will have multiple self-contained units (premises) which are located within one building. It is also possible for licensed premises to be located next to each other as long as there are no restrictions regarding direct access between these premises imposed on that category of gambling premises from its mandatory conditions. The council will follow this guidance.
- 18.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the council will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.
- 18.3 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which will include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.
- 18.4 For the policy that relates to this section please see section 21 below.

## **19. Separation of premises within a single building**

- 19.1 When considering proposals to divide a building into genuinely separate premises the council will also need to be satisfied that the form of separation between the premises is appropriate.
- 19.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The council would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.
- 19.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.
- 19.4 For the policy that relates to this section please see section 21 below.

## 20. Access to premises

- 20.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 20.2 The relevant provisions of the regulations relating to access are set out in paragraph 7.23 of the Commission's Guidance. In a number of types of licensed premises provisions on access that prevent customers from being able to enter the premises directly from other licensed premises.
- 20.3 The Commission Guidance at paragraph 7.22 states "There is no definition of 'direct access' in the Act or regulations, but licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access."
- 20.4 The Licensing Authority has had a number of applications to divide buildings into separate premises, or locate licensed premises next to each other. The council has refined its opinion as to what would constitute direct access, and how access provision needs to be addressed in accordance with the Act and Regulations.
- 20.5 In particular, where premises are not accessed from the street, the council has sought to define the nature of the area which must separate licensed premises and through which the premises are accessed, so as to prevent direct access between premises in order to comply with the provisions of the Act and regulations.
- 20.6 It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 20.7 The council does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs,
- 20.8 Where the council is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the council will expect applicants to ensure that:
- premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
  - 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 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.

This is not an exhaustive list and the council will consider other aspects based on the merits of the application.

20.9 For the policy that relates to this section please see section 21 below.

## **21. More than one licence and division of premises and access between premises policy**

### **Policy: DAP1**

**Applications to have more than one licensed premises within a building, or divide and separate a building into different premises will be determined subject to other policies in this Statement of Principles and subject to the relevant criteria in Policies OBJ1, OBJ2 and OBJ3, and other policies in this statement, and it will need to be demonstrated that :**

- (1) the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises**
- (2) separation between the premises is appropriate**
- (3) access between premises is restricted to prevent unlawful direct access by customers between licensed premises.**

### Reason for Policy DAP1

- 21.1 The council has received applications that seek to create different premises within a building solely to increase the entitlement to gaming machines which are permitted within premises. The licensed premises and unlicensed areas which separate them were created artificially, and the building was to be operated by a single operator. In reality, such unlicensed areas are unlikely to be used by members of the public other than those attending the licensed premises.
- 21.2 The Act, regulations and the Commission's Guidance support the principle that different premises within a single building should not be artificially created, that separation between premises must be adequate, and direct access between certain licensed premises prohibited. Policy DAP1, in the context of this part of the statement of principles, seeks to compliment the statutory provisions.
- 21.3 Some applicants have attempted to create an unlicensed area accessed from the street which then leads into separate licensed premises, see figure 1. In such cases the premises are not clearly identifiable as separate premises and the unlicensed area is not likely to be used by the public other than by those using the gambling premises. Applications to place two licensed premises in one premises with a unlicensed area separating them, (see figure 2) will also not meet this Policy because of the artificial nature of the premises, access, and likely use issues which arise.



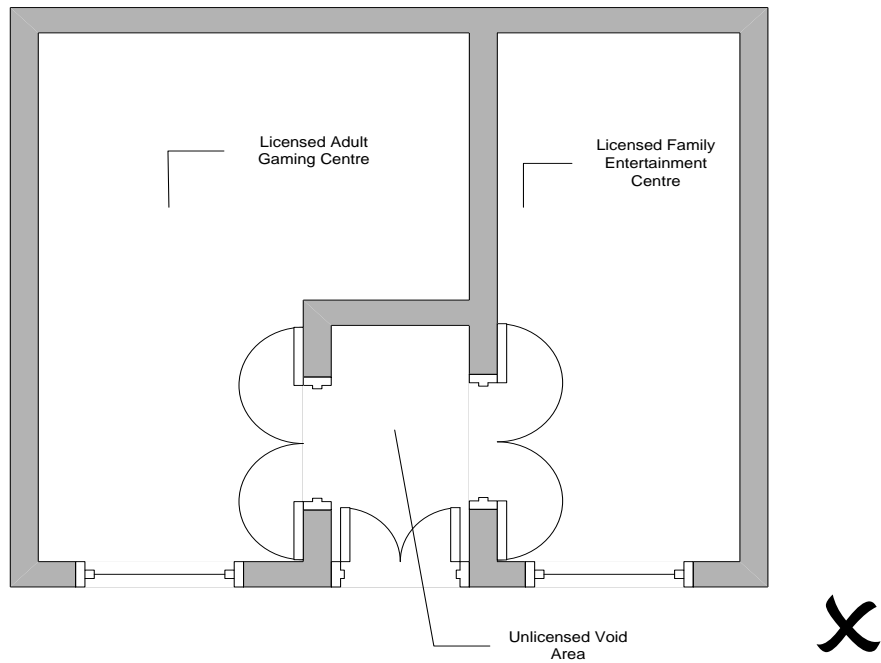


Figure 1.

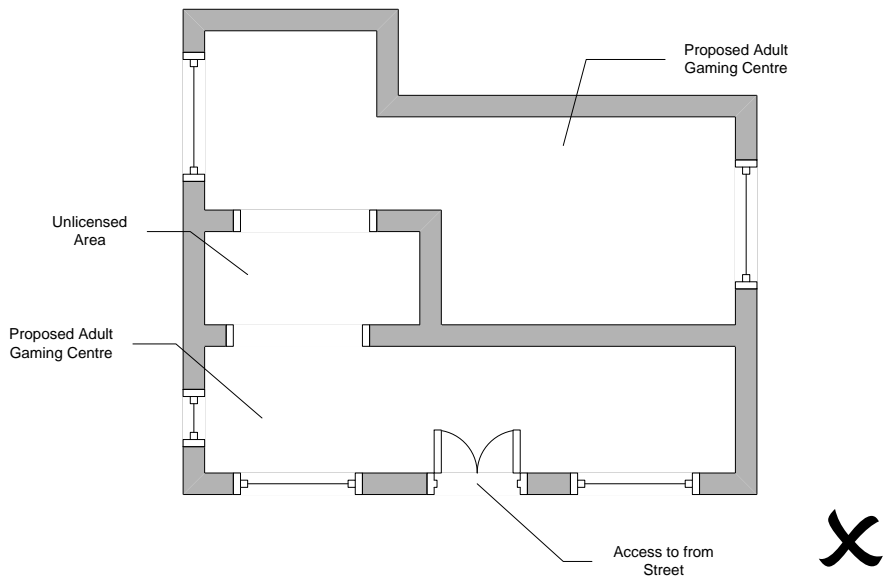


Figure 2.

- 21.4 It is possible to have a foyer area or passage way which separates one licensed premises from another. However, such a foyer or passage way must be accessible and generally used by members of the public other than those using the gambling premises. An example of this would be a hotel lobby which has an entrance to a casino and an adult gaming centre off it. The foyer itself will be used by hotel guests and visitors who may have no intention of using either licensed premises.
- 21.5 It may also be acceptable if a premises is separated by another non-licensed premises that has access to both licensed premises from it. An example of this could be in the form of a coffee shop which has a main entrance to the street. The

coffee shop may have access to an Adult Gaming Centre on one side and an entrance Family Entertainment Centre on the other side, see figure 3. Where a member of the public not using the gambling premises is likely to use the coffee shop it may be considered that there is no direct access between the two licensed premises. If any such unlicensed area is used to separate licensed premises then it must genuinely, in the authority's opinion, be likely to be used by members of the public not using the gambling premises.

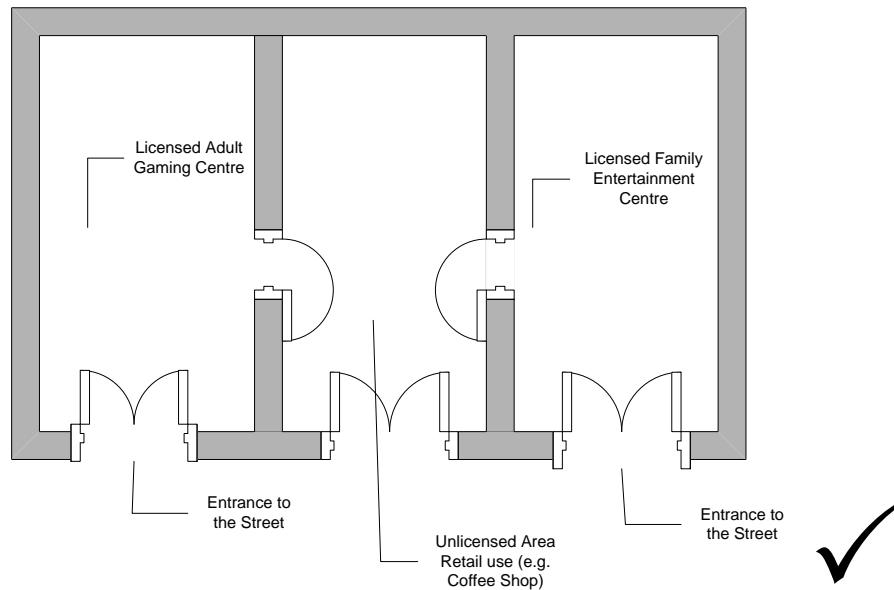


Figure 3.

## 22 Casinos

22.1 The Licensing Authority cannot grant any new casino premises licences but an existing converted casino premises licence can be varied to increase or decrease the permitted gambling area, vary the default conditions, or any conditions imposed by the council. Unlike other types of licences, they can be varied to move them from one premises to another. See 22.2 below.

### **Policy: CAS1**

**Applications to vary premises licence will generally be granted subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3, LOC 1 and other policies within this statement of principles.**

### Reason for Policy CAS1

22.2 The council does not qualify to issue new casino licences so this policy will only relate to variation applications. In addition to the standard variation applications (e.g. to remove a default condition, increase the licensable area of the premises, etc) an existing converted casino premises licence can be varied under paragraph 65 Part 7, Schedule 4 of The Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (2006 Order) to relocate the licence to another premises. These converted casinos have the special provisions under the 2006

Order to ensure that if for any reason the premises cannot continue to operate at their existing premises they will not then lose their licence rights.

- 22.3 The council in considering any applications will consider whether it will meet the Licensing Objectives policies and any other relevant policy within this statement. For variations to relocate an existing licence, Location Policy LOC 1 will be a significant consideration in addition to the objective policies.

## **23. Bingo**

- 23.1 This policy applies to applications for a bingo premises licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo premises licence will be able to offer bingo in all its forms. Westminster had no bingo licences to be converted.
- 23.2 A Bingo premises licence granted before the 13<sup>th</sup> July 2011 are entitled to make eight category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. For Bingo premises licences granted after the 13<sup>th</sup> July 2011 are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. There are no restrictions on category C or D machines that can be made available in any Bingo licence no matter when it was granted.
- 23.3 Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

### **Policy: BGO1**

**Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.**

#### Reasons for Policy BGO1

- 23.4 To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo can be played in any premises for which a premises licence is issued. Particular consideration will be given when the operator of an existing bingo premises applies to vary the premises licence to exclude an area of the existing premises and then applies for a new licence for the excluded area. See 17 above.
- 23.5 Given that children and young persons are permitted in bingo premises, the appropriate weight will be given to OBJ3. In addition, young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The licensing authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

## **24. Betting (Other)**

- 24.1 This policy applies to applications for off-course betting premises. This is betting

that takes place other than at a track, typically in a betting shop, and includes an entitlement to operate up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.

**Policy: BET1**

**Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.**

Reasons for Policy BET1

- 24.2 The council takes note of the Gambling Commission suggestion that licensing authorities will want to consider restricting the number and location of betting machines in respect of applications for betting premises licences. The council when considering the number/ nature/ circumstances of betting machines an operator wants to offer will follow the Gambling Commission's Guidance and 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.
- 24.3 The licensing authority must be satisfied that the primary use of the premises is to operate as betting premises in accordance with the principles outlined in paragraph 17 of this Statement. The applicant will be expected to demonstrate that they can offer sufficient facilities for betting.
- 24.4 In determining whether the application meets the criteria in OBJ1, OBJ2, OBJ3 or other policies consideration will be given to appropriate measures/licensing conditions to address the matters listed below.
- Proof of age schemes
  - CCTV
  - Entry control system
  - Supervision of entrances/ machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/ signage
  - Specific opening hours
  - Self-barring schemes
  - Provision of information leaflets / helpline numbers for organisations such as GamCare
- 24.5 This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives:

**25. Betting Tracks including other sporting venues**

- 25.1 There are major indoor and outdoor venues in the City where a variety of sporting events take place. Under section 353 of the Act, "tracks" includes premises where a race or other sporting event takes place or is intended to take place. These may be subject to one or more than one premises licence, provided each licence relates to a specified area of the "track". The Commission Guidance, identifies that

operators of track betting premises will not necessarily hold an operator's licence issued by the Commission. The council will have particular regard to proposals and measures to ensure that the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

- 25.2 The council will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 25.3 The possibility of multiple licences at tracks is noted in paragraphs 20.56 – 20.61, Part 20 of the Commission Guidance. The council will expect the applicant for a premises licence 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. (Children and young persons are not prohibited from playing category D machines on a track.)

**Policy: BET2**

**Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.**

Reasons for Policy BET2

- 25.4 In determining whether the application meets the criteria in OBJ1, OBJ2, OBJ3 or other policies consideration will be given to appropriate measures/licensing conditions to address the matters listed below.
- Proof of age schemes
  - CCTV
  - Entry control system
  - Supervision of entrances/ machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/ signage
  - Specific opening hours
  - Self-barring schemes
  - Provision of information leaflets/ helpline numbers for organisations such as GamCare
- 25.5 This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives:
- 25.6 Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that the track betting activities are reasonably consistent with the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.

- 25.7 The council will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds or seeks a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
- 25.8 The council will expect applicants to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. Any such plans must also contain the information prescribed by Regulations.
- 25.9 The council concurs with the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **26. Adult Gaming Centres**

- 26.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence that was issued prior to the 13<sup>th</sup> July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. An AGC premises licence granted after the 13<sup>th</sup> July 2011 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 and any number of category C or D machines.
- 26.2 Gaming machines are a form of gambling which is attractive to children and AGC’s will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGC’s to minimise the opportunities for children to gain access.

### **Policy: AGC1**

**Applications and reviews will be determined, subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3 and other policies within this statement.**

- 26.3 Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by

gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

- 26.4 The council will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV
  - Entry control system
  - Supervision of entrances/ machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/ signage
  - Specific opening hours
  - Self-barring schemes for individuals to bar themselves from premises
  - Provision of information leaflets/ helpline numbers for organisations such as GamCare.
- 26.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 26.6 The council has created a Byelaw for Pleasure Fairs (Amusement Premises) in pursuance of section 75 of the Public Health Act 1961 (the 1961 Act) as amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1976. These byelaws apply to Adult Gaming Centres as the premises are used to provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes. A copy of the Pleasure Fairs (Amusement Premises) byelaws is attached for information as Appendix 4.

## **27. Family Entertainment Centres (FEC)**

- 27.1 Generally, FECs must be operated by a person or body having an operating licence from the Gambling Commission (the Act also provides that there is a class of unlicensed Family Entertainment Centres that may be run by individuals or bodies not holding an operator's licence). Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission operator's licence or premises licence from the local licensing authority but do need to have a gaming machine permit as set out below. Gaming machines are a form of gambling which is attractive to children and FECs will contain both Category D machines on which they are allowed to play, and category C machines on which they are not.

**Policy: FEC1**

**Applications and reviews will be determined, subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3 and other policies within this statement.**

- 27.2 Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The council, in considering applications for FEC premises licences will specifically have regard to the need to protect children and vulnerable persons from harm or being

exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

- 27.3 The council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:
- CCTV
  - Supervision of entrances/ machine areas
  - Physical separation of areas for category C machines
  - Location of entry
  - Notices/ signage
  - Specific opening hours
  - Self-barring schemes for individuals to bar themselves from premises
  - Provision of information leaflets/ helpline numbers for organisations such as GamCare
  - Measures & training for dealing with children on the premises suspected of truanting.
- 27.4 This list is neither mandatory, nor exhaustive, and is merely indicative of example measures.
- 27.5 The council will have regard to the Gambling Commission's guidance on any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated but may require further measures on physical separation and controls on entry. The council must apply the mandatory conditions but will consider whether to exclude any of the default conditions that may be specified by regulation from the Secretary of State.
- 27.6 As with Adult Gaming Centres, Family Entertainment Centres will be subject to the councils Pleasure Fairs (Amusement Premises) byelaw which is attached at Appendix 4. Family Entertainment Centres will provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes. All Family Entertainment Licensed premises will have to comply with these byelaws.

## **28. Travelling Fairs**

- 28.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 28.2 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.
- 28.3 The council will also consider whether the applicant falls within the statutory definition of a travelling fair. The council notes the 27 day statutory maximum for the land being used as a fair each calendar year 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 licensing authority will keep a record of any travelling fairs



that take place in Westminster that offer gambling as an ancillary use to the fair. The authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

- 28.4 It should be noted that the council has adopted byelaws which apply to Pleasure Fairs (Amusement Premises). These are attached as Appendix 4.

## **29. Door Supervisors**

- 29.1 The Commission's Guidance advises that licensing authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling (paragraph 5.3 and Part 33), but there can also be a need for supervision to stop premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001 (see paragraph 9.14 and Part 33). Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.
- 29.2 For betting offices and other premises other than casinos and bingo premises, the operator and/or the council may decide that supervision of entrances or machines is appropriate in particular cases. The authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

## **30. Provisional Statements**

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

## **31. Reviews**

- 31.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the licensing authority. However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- any relevant code of practice issued by the Gambling Commission;
  - any relevant guidance issued by the Gambling Commission;
  - the licensing objectives;
  - the authority's statement of principles.

- 31.2 The licensing authority may reject an application for review if it thinks that the grounds on which the review is sought:
- (a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the licensing authority's statement of principles;
  - (b) are frivolous;
  - (c) are vexatious;
  - (d) 'will certainly not' cause the licensing authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence;
  - (e) are substantially the same as grounds cited in a previous application relating to the same premises (the licensing authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
  - (f) are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence.
- 31.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.
- 31.4 The licensing authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.
- 31.5 The licensing authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
- 31.6 A responsible authority or interested party may apply to the council to review a premises licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded, if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
- 31.7 As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The council accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

## Part 4: Permits and Notices

Policies that apply to this part:

**UFEC1** - Unlicensed Family Entertainment Centres (UFEC) Gaming Machine Permits

**LPGMP1** - Alcohol-Licensed Premises Gaming Machine Permits

**PGP1** - Prize Gaming Permits

**TUN1** - Temporary Use Notices

## 32. Permits

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

The council is responsible for issuing the following permits:

- (a) unlicensed family entertainment centre gaming machine permits;
- (b) alcohol-licensed premises gaming machine permits;
- (c) prize gaming permits;
- (d) club gaming permits and club machine permits.

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

## 33. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

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

### **Policy: UFEC1**

**Valid applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.**

Reasons for Policy UFEC1

- 33.2 The council will grant an application for a permit only if it is satisfied that the premises will be used as an unlicensed FEC, and following consultation with the Chief of Police.
- 33.3 The council will require 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 (Guidance; paragraph 24.9)
- 33.4 The council will expect the applicant to show that there are policies and procedures

in place to protect children and vulnerable people from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

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

33.5 All premises that hold an Unlicensed Family Entertainment Centre gaming machine permits will be subject to the Pleasure Fairs (Amusement Premises) byelaw which has been adopted by the council. This byelaw is attached to this statement as Appendix 4. This byelaw will apply to premises that operate as an Unlicensed Family Entertainment Centre as they provide amusement with prizes machines (gaming machines) and also to entertainment machines which are used to play games where there are no opportunities for winning prizes.

## **34. Alcohol-Licensed Premises Gaming Machine Permits**

### **Automatic entitlement to 2 gaming machines**

- 34.1 A premises licensed to sell alcohol under the Licensing Act 2003 is automatically entitled to 2 gaming machines of category C and/or D. The holder of the on-premises licence under the Licensing Act 2003 must notify the council of their intention to make the gaming machines available for use and must pay the prescribed fee.
- 34.2 The council will 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 provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the council, 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.

### **Permit for 3 or more gaming machines**

- 34.3 This policy applies to those licensed premises that propose to have 3 or more gaming machines. A licensed premises wishing to have 3 or more gaming machines of category C or D must apply to the council for a permit.

**Policy: LPGMP1**

**Applications will be refused unless the relevant criteria in Policies OBJ1,**

#### Reasons for Policy LPGMP1

- 34.4 As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to:
- the need to protect children and vulnerable people from harm or being exploited by gambling;
  - measures taken by the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 34.5 The council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- the adult machines being in sight of the bar;
  - the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18;
  - notices and signage;
  - the provision of information leaflets or helpline numbers for organisations such as GamCare.
- 34.6 If it is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, the council will refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.
- 34.7 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.
- 35.8 The council may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:
- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
  - (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
  - (c) the premises are mainly use or to be used for making gaming machines available, or,
  - (d) an offence under the Gambling Act 2005 has been committed on the premises.
- 34.9 Before the council cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him the opportunity to make a representation. If the permit holder requests a hearing the council will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.
- 34.10 The Council when determining an application for an alcohol-licensed premises

gaming machine permit will consider each application on their own merits.

- 34.11 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. e.g. hotels. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.

## 35. Prize Gaming Permits

- 35.1 This policy applies to applications for, or renewals of, prize gaming permits. Gaming is “prize gaming” if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- 35.2 Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

### **Policy: PGP1**

**Applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.**

#### Reasons for Policy PGP1

- 35.3 Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.
- 35.4 The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes set out in regulations;
  - That the gaming offered is within the law;
  - Clear policies that outline the steps to be taken to protect children from harm.
- 35.5 The council will only grant a permit after consultation with the chief officer of police. This will enable the licensing authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.
- 35.6 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the council cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in

- regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

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

36.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

36.2 A club must meet the following criteria to be considered a members' club:

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

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

36.3 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.

36.4 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 the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

- (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".



- 36.5 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.

## 37. Temporary Use Notices

- 37.1 This policy applies to applications for 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 gambling would include hotels, conference centres and sporting venues.
- 37.2 The licensing authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.
- 37.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

### **Policy: TUN1**

**Applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.**

#### Reasons for Policy TUN1

- 37.4 The licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:
- the suitability of the premises;
  - the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
  - The CCTV coverage within the premises;
  - The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
  - whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

## 38. Occasional Use Notices

- 38.1 The council has very little discretion as regards Occasional Use Notices to accept bets at “tracks”, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a “track” and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the “track” or is an occupier, and therefore permitted to avail themselves of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other

venues in Westminster. If notices are given for a single track which would permit betting to occur for more than 8 days per year the council has an obligation to issue a counter notice preventing such a breach occurring.

## List of Bodies consulted on review in 2015

Association of British Bookmakers (ABB)  
British Amusement Catering Trade Association (BACTA)

City of London Corporation  
Gamble Aware  
GamCare  
Local Government Regulation  
London Borough of Wandsworth  
London Borough of Lambeth Council  
London Borough of Camden Council  
London Borough of Brent Council  
London Fire and Emergency Planning Authority (LFEPA)  
Members of Westminster's Entertainment Forum  
Metropolitan Police  
National Casino Forum (NCF)  
Operators of Casinos in Westminster  
Operators of Betting Premises in Westminster  
Operators of Betting Tracks in Westminster  
Operators of Adult Gaming Centres in Westminster  
Operators of Family Entertainment Centres in Westminster  
Operators of Bingo Premises in Westminster  
Recognised Amenity Societies  
The Royal Borough of Kensington and Chelsea  
Chinese Information & Advice Centre  
Westminster City Councillors

## Glossary

### Adult Gaming Centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence that was issued prior to the 13<sup>th</sup> July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever, is the greater. An AGC premises licence granted after the 13<sup>th</sup> July 2011 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 and any number of category C or D machines.

### Amusement arcades

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed Family Entertainment Centres.

### Betting

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

### Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Bingo premises licensed under the Act can provide gaming machines for use. A Bingo premises licence granted before the 13<sup>th</sup> July 2011 are entitled to make eight category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. For Bingo premises licences granted after the 13<sup>th</sup> July 2011 are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. There are no restrictions on category C or D machines that can be made available in any Bingo licence no matter when it was granted.

### Casino

“An arrangement” whereby people can participate in one or more casino games.

**Casino Games**

Games of chance not being equal chance gaming. i.e. games in which players stake against a “bank”.

**Categories of Casinos**

	Minimum number of gaming tables	Minimum table gaming area sq.ms  Section 7 (5) Regulations	Additional gambling area sq.ms  Section 7 (5) Regulations	Minimum non gambling areas Mandatory conditions	Highest Categories of gaming machines permitted	Maximum stake/prize for gaming machines	Max number gaming machines
<b>Existing (Converted Casino)</b>	One	None	None	10%of total gaming area	B1	£5/ £10,000	20 B to D (except B3A machines) or any number of C or D machines instead
<b>Small</b>	One	500	999 max	250 sq.ms	B1	£5/ £10,000	80 any combination of B to D (except B3A machines) within the total limit (Subject to machine/table ratio)
<b>Large</b>	One	1000	500 min 2499 maximum	500 sq.ms	B1	£5/ £10,000	150 any combination of B to D (except B3A machines) within the total limit (subject to machine/table ratio)

**Equal chance gaming**

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a “bank”. It is immaterial how the “bank” is described and whether or not it is controlled by a player.

**Exempt activities**

*Private betting* is betting which takes place between inhabitants of the same premises or between employees of the same employer.

*Private gaming* (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

### ***Non-Commercial Gambling***

Non-commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- The profits will be for a purpose other than that for private gain;
- The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

### **Gambling**

Gambling is defined as either gaming, betting or participating in a lottery.

### **Games of chance**

Includes games that involve both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants

### **Gaming**

Gaming means playing a game of chance for a prize;

### **Gaming machines – Categories**

This Table sets out the current proposals for the different categories with the maximum stakes and prizes that apply.

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

*\*With the option of a maximum £20,000 linked progressive jackpot on a premises basis only.*

## Gaming Machines by Premises Type

Type	Gaming Machines
Large Casino (machine/table ratio of 5-1 up to maximum) <i>This premises licence type is not permitted in Westminster.</i>	Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)
Small Casino (machine/table ratio of 2-1 up to maximum) <i>This premises licence type is not permitted in Westminster.</i>	Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio).
Pre – 2005 Act casino premises (no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead.
Bingo premises	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines.
Betting premises and tracks occupied by pool betting.	Maximum of 4 machines categories B2 to D (except B3A machines)–
Adult Gaming Centre	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines.
Family Entertainment Centre with premises licence	No limit on category C or D machines.
Family Entertainment Centre with permit	No limit on category D machines.
Clubs or miners' welfare institute (with permits)	Maximum of 3 machines in categories B3A or B4 to D*
Qualifying alcohol-licensed premises	1 or 2 machines of category C or D automatic upon notification.
Qualifying alcohol-licensed premises (with gaming machine permit).	Number of category C – D machines as specified on permit.
Travelling fairs	No limit on category D machines.

\* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

\*\* Adult gaming centre and bingo premises are entitled to make available 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 four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming



*machines, whichever is the greater; from 1 April 2014 these premises are entitled to 20% of the total number of gaming machines only, but not B3A machines.*

## **Guidance**

The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act. The 5<sup>th</sup> edition of the Commission's Guidance was released in September 2015.

## **Interested Parties**

Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:

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

Interested parties can also be a councillor or an MP.

## **Licensed Family Entertainment Centres:**

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

## **Lottery**

A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

## **Operating Licence**

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling:

- A casino operating licence
- A bingo operating licence
- A general betting operating licence
- A pool betting operating licence
- A betting intermediary operating licence
- A gaming machine general operating licence (for an adult gaming centre)
- A gaming machine general operating licence (for a family entertainment centre)
- A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- A gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- A lottery operating licence.

## **Premises Licence**

A premises licence issued by a licensing authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

## **Representations**

In dealing with applications the council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.

## **Unlicensed Family Entertainment Centres**

Premises that hold an Unlicensed Family Entertainment Centre gaming machine permit may only offer category D gaming machines.

## List of Responsible Authorities relating to the Gambling Act 2005

### Licensing Authority

Licensing Service  
4<sup>th</sup> Floor City Hall  
64 Victoria Street  
London  
SW1E 6QP  
Telephone: 020 7641 6500  
Email: [gambling@westminster.gov.uk](mailto:gambling@westminster.gov.uk)

### Gambling Commission

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Tel: 0121 230 6666  
Fax: 0121 233 1096

### The Fire Authority:

London Fire & Emergency Planning Authority  
156 Harrow Road, London, W2 6NL  
Telephone: 020 7587 2000  
Email: [info@london-fire.gov.uk](mailto:info@london-fire.gov.uk)

### The Chief Officer of Police:

Westminster Police Licensing Team  
4<sup>th</sup> Floor, Westminster City Hall,  
London, SW1E 6QP  
Telephone: 020 7641 3179  
Fax: 020 7641 2436  
Email: [PoliceLicensingTeam@westminster.gov.uk](mailto:PoliceLicensingTeam@westminster.gov.uk)

### The Planning Authority:

Development Planning Services  
Westminster City Council  
64 Victoria Street, London, SW1E 6QP  
Central Area Team (W1 addresses):  
Telephone: 020 7641 2514/2927  
South Area Team (SW1, SW7, WC2, EC4 addresses):  
Telephone: 020 7641 2977/2681  
Fax: 020 7641 2339  
North Area Team (W2, W9, W10, W11, NW1, NW8 addresses):  
Telephone: 020 7641 2924/2017  
Fax: 020 7641 2338

**For minimising or preventing the risk of pollution of the environment or of harm to human health:**

Environmental Health Consultation Team

Westminster City Council

4<sup>th</sup> Floor, Westminster City Hall, London, SW1E 6QP

Tel: 020 7641 1884

Email: [EHConsultationTeam@westminster.gov.uk](mailto:EHConsultationTeam@westminster.gov.uk)

**Her Majesty's Commissioners of Customs and Excise**

HM Revenue and Customs

National Registration Unit

Portcullis House

21 India Street

Glasgow G2 4PZ

Telephone: 0141 555 3633

Email: [nru.betting&gaming@hmrc.gsi.gov.uk](mailto:nru.betting&gaming@hmrc.gsi.gov.uk)

**For the Protection of Children from Harm, the Area Child Protection Committee**

Head of Commissioning – Child Protection & Quality, Social and Community Services – Children and Families

4 Frampton Street, NW8 8LF

Telephone: 020 7641 7665

Fax: 020 7641 7672

Email: [ChildProtectionLicensing@westminster.gov.uk](mailto:ChildProtectionLicensing@westminster.gov.uk)

## Pleasure Fairs (Amusement Premises) Byelaw

Byelaws for the regulation of hours during which amusement premises may be open to the public; for the securing of safe and adequate means of ingress to and egress from amusement premises; for the prevention and suppression of nuisances and for the preservation of sanitary conditions, cleanliness, order and public safety at amusement premises; for the prevention of outbreaks of fire which might endanger structures used or intended for use in connection with amusement premises, and for reducing the risk of, and the spread of fire from, such outbreaks; made by the Westminster City Council in pursuance of Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976.

1. (a) These byelaws shall apply only to pleasure fairs within the meaning of Section 75(2) of the Public Health Act 1961 which are amusement premises:
- (b) These byelaws shall not apply to premises licensed or registered under Part II of the Gaming Act 1968 or to members clubs and miners welfare institutes registered under Part III of that Act.
2. In these byelaws, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say:
  - (a) "Amusement premises" means any place used wholly or mainly to provide entertainments within the meaning of Section 75(3)(f) of the Public Health Act 1961, and shall include any stationary vehicle, vessel, stall, caravan, trailer or tent where the above applies.
  - (b) "The Council" means the Westminster City Council.
  - (c) "Manager" means the person having control of the entertainments provided within the meaning of Section 75(3)(f) at the amusement premises.

### Regulation of opening hours

3. (1) The manager shall not keep the amusement premises open between the hours of 12 midnight and 9am.
- (2) The Council, may by resolution, fix a later hour in substitution for the hour of 12 midnight in this byelaw for the closing of amusement premises or specified classes of amusement premises on specified dates or during specified periods or generally.
4. (1) The manager shall give to the proper officer of the Council at least 5 days prior notice in writing of the intention to use any amusement premises specifying therein the dates and place at which such amusement premises are to be used.
- (2) The notice to be given under this byelaw shall be in addition to and not in substitution for any notice required to be given under any other enactment.
- (3) In this byelaw "proper officer" means an officer appointed for the purpose of the Council.

#### Provision for safe ingress and egress

5. (1) The manager shall take such steps as are reasonably practicable to ensure that there are provided such entrances and exits to the amusement premises as will enable persons using the amusement premises (including disabled persons) to be safe and free from risks to health and while such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.
- (2) The manager shall cause to be exhibited over each exit from the amusement premises a notice bearing the word 'EXIT' in letters of sufficient size to ensure it is legible at the maximum viewing distance.
6. No person shall place or cause to be placed any obstruction in any exit or gangway provided in accordance with these byelaws while any persons are using the amusement premises.

#### Nuisances, sanitary conditions, cleanliness, order and public safety

7. The manager shall ensure that at all times when the amusement premises are open for business, there is in operation such lighting as is adequate to enable persons using the premises to be safe.
8. The manager shall ensure that the internal parts of the amusement premises are maintained in good repair and condition in order that persons using the premises shall be safe at all times when the premises are open for business.
9. The manager shall take such steps as are reasonably practicable to ensure that:-
  - (a) a sufficient number of unobstructed gangways are provided and maintained in the amusement premises;
  - (b) amusement machines, seats and other furnishings and structures are distributed in order that the amusement premises shall, at all times when they are open for business, be safe for persons using the premises (including disabled persons).
10. The manager shall ensure that all parts of the premises (including sanitary accommodation) are kept as clean as is reasonably practicable.
11. The manager shall take such steps as are reasonably practicable to ensure that every machine provided at the amusement premises is properly and safely installed.
12. The manager shall not knowingly permit:-
  - (a) the amusement premises to be used for soliciting for the purpose of prostitution nor as a habitual resort or place of meeting of reputed prostitutes but this does not prohibit the manager from permitting such persons to remain on the premises for the purpose of using the amusement machines for such time as is necessary for that purpose.
  - (b) any person who is drunk or disorderly to enter or remain on the amusement premises.
13. The manager shall take such steps as are reasonably practicable to ensure that

the external doors to the amusement premises suppress noise emanating from those premises where by means of the doors being fitted with a device for automatic closure or by any other similar means.

14. The manager shall ensure that the amusement premises are under the supervision of at least one responsible person at all times when those premises are open for business.

#### Fire protection

15. (1) The manager shall:
  - (a) Consult the fire authority regarding a means of fighting fire for use in the amusement premises; and
  - (b) Provide and maintain reasonable means of fighting fire having regard to all the circumstances including the size, nature and age of the amusement premises; and
  - (c) Keep the means for fighting fire in a place where it is readily available for use.
- (2) In this byelaw 'maintain' means to maintain in an efficient state in efficient working order and in good repair.

#### Penalty

16. Any person offending against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding £400.

#### Defence

17. It shall be a defence for a person to prove that he had taken all reasonable precautions and exercised all due diligence to prevent the commission of an offence under these byelaws.

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## City of Westminster

Licensing Team  
4<sup>th</sup> Floor East  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Tel: 020 7641 6500  
Email: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

Web: [www.westminster.gov.uk/licensing](http://www.westminster.gov.uk/licensing)

## Responses received to the stage 1 consultation on the new draft Statement of Licensing Principles for Gambling

In consulting on the stage 1 draft of the new Statement of Licensing Principles for Gambling the council set two questions. These questions were:

- Q1. Do you have any views on the proposed stage 1 Statement of Licensing Principles for Gambling?
- Q2. Do you have any other comments or suggestions relating to elements that should be included or excluded within this proposed Statement of Licensing Principles for Gambling?

Some responders did specifically answer these questions within their responses. The responses below have been put under the relevant questions to which they were addressing. Some responders made a response without specifically addressing the questions and provided a statement of response. Where responders have not specifically set out that they are answering one of the defined questions we have removed the reference to the relevant question within the table below.

The following responses were received in relation to this consultation. (If you are viewing this document electronically you can click on the response heading below which will take you to that response and the council comments and views in relation to that response).

1. [William Hill Organization Limited](#)
2. [National Casino Forum](#)
3. [Hippodrome Casino](#)
4. [Association of British Bookmakers](#)
5. [Coral Racing Limited](#)
6. [Licensing Advice Project – Citizens Advice Bureau](#)
7. [Paddy Power \(Power Leisure Bookmakers Limited\)](#)

Date Received	Responder	Response	Licensing Authority comments and action
29/09/2015	William Hill (Betting Shop Premises Licence Holder)	<p><b>Question 1</b></p> <p>William Hill's Response to the Consultation on Westminster City Council's proposed Stage 1 Statement of Licensing Principles for Gambling (2016-2019)</p> <p>Introduction</p> <p>William Hill is currently the UK's largest betting operator with some 2300 betting shops.</p> <p>The Authority will have its own figures, but in Westminster, William Hill has reduced its estate from 52 shops in 2007 to 44. Overall for all operators, the number has also fallen from 104 shops in 2007 to 98 shops.</p> <p>Many shops have been in situ for over 20 years and the large majority for more than 10 years.</p> <p>We are pleased that the Authority has not only given an indication as to resident population, but just as importantly detailed the very significant commuter in flows and substantial visitor numbers.</p> <p>William Hill has amongst its customer base not only Westminster residents, but a proportion of the half a million commuters; many of them who earn above average salaries and some who are high net worth</p>	

individuals; in addition to a proportion of the significant number of visitors, the majority of whom will be predisposed to some form of leisure spend. Some of William Hill's most profitable shops are in the City of Westminster. We also have shops in challenging locations in the Authority area. This makes it important that a one size fits all approach is not the right one. This particularly applies to issues like the imposition of standard conditions (over and above the Mandatory and Default conditions).

We feel that in any introduction it is important to acknowledge the importance of the "aim to permit" principle. Operators applying for a premises licence have, in the main, satisfied the Gambling Commission as to their suitability and the robustness of their policies and procedures.

Also the Authority should do nothing to undermine the "aim to permit" principle. In other words, the Authority should not attempt to reverse the burden of proof, seek to establish new thresholds for licensing or to try and extend or alter statutory definitions.

Neither can it use elements of the Gambling Commission's Guidance to Licensing Authorities as a legal safe harbour, William Hill's view is that elements of the draft Guidance are erroneous and are susceptible to legal challenge if maintained in the final Guidance.

When one removes the cohort who gamble on the

	<p>National Lottery then the percentage of the population that engage in commercial gambling is relatively small. Of this group, the majority gamble harm free. Therefore betting shops are neither a significant societal issue nor is problem gambling a major public health issue; albeit it is a serious issue for a minority.</p> <p>We note that the Authority has removed the previous section on "Problem Gambling". An exposition on problem gambling gives context and would give a sense of proportionality. Problem gambling levels in the UK are low, stable and according to the most recent Gambling Commission report (Gambling behaviour in England and Scotland – June 2014) actually appears to be declining. It is important that Committee Members are aware of the latest research so that their decision making, particularly about betting shops, is made on fact and they are not misled by prevailing negative political and campaign rhetoric.</p> <p>The Authority is also respectfully reminded that where there is a potential interference with the property rights of operators (which includes commercial exploitation of the licence) then a high evidential hurdle exists. The Authority cannot simply provide a list of theoretical risks related to gambling harm. The risks have to be real, evidenced and apparent. We note below where the Authority has strayed into un-evidenced conjecture.</p> <p>We have responded separately to what we believe to</p>	<p>This element of the draft was removed as it was felt that this data was now out of date and that there has been increasing amounts of research over the past three years which we couldn't include in this version of the statement due to the limited timeframe involved in meeting the statutory requirements for publication. We note the comments on making Committee members aware of the latest gambling research. We will ensure that officers do provide members with any updates on research into gambling related harm or problem gambling during the period when this statement is in effect. It is intended that the stage 2 revision of the Statement of Licensing Principles for Gambling will include a detailed element in relation to gambling related harm and problem gambling which will reflect relevant research into these specific areas.</p> <p>William Hill have provided a detailed response</p>
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	<p>be the Authority's erroneous approach to risk assessment.</p> <p>Our detailed comments on specific paragraphs/sections are set out below.</p> <p>Paragraph 10.3</p> <p>We note that the Council has concerns about betting shops, but unless these issues are clearly evidenced as systemic problems then they have no place in a policy statement. Some of the conclusions are also erroneous. For example the comparative numbers clearly show that betting shop numbers in Westminster are falling. There is no proliferation.</p> <p>The Council is also aware that the majority of operators (including William Hill) have reduced opening hours to accord with the Authority's night time economy definitions and that most betting shops are not now open beyond the default hours.</p> <p>Crime and Disorder</p> <p>The Authority will be aware of the distinction between disorder and nuisance, the drafting appears to conflate the two issues whilst not making clear the distinction between the two. Also any serious "disorder" (as defined in the Guidance to Licensing Authorities) needs to be clearly associated with gambling. Therefore acts committed outside the curtilage of the betting shop are unlikely to be</p>	<p>to separate consultation on the council's guidance on local area risk assessments for gambling and these will be considered outside of this process.</p> <p>Paragraph 10.3 through to 10.6 of the consulted version of the draft statement shall be deleted as they relate to the previous consultation on the Council's statement in 2012.</p> <p>There isn't a proposal to amend policy OBJ1 and the paragraphs relating to the criteria and reasoning for this policy. However, there were minor corrections in relation to incorrect references to 'promote' the licensing objectives when it should state 'be reasonably consistent with'. In considering the views of</p>
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	<p>associated directly with gambling.</p> <p>The Authority should not seek to blur the distinction between disorder and nuisance and the normal legal meanings should be applied. For example people loitering outside a betting shop, smoking and drinking is not by any definition disorder; although it may cause a public nuisance.</p> <p>Likewise any harassment (even if it constitutes a public order offence) in the street outside a betting shop is unconnected with the activity of gambling. The operator has responsibility for what goes on within a shop and not what occurs outside its area of control. Betting shops do not sell alcohol and are therefore not responsible for external behaviour relating to the on premises activity. Before the passing of the Act, this matter was debated by Parliament and it was clearly felt the nuisance was not a matter that was to be considered under the Licensing Objectives.</p> <p>References to "criminals" evading detection by sheltering in betting shops does not indicate that any crime is directly connected with gambling. Likewise there is no room for anecdotal references to association with crime; simply because the anecdotes may have been provided by the police.</p> <p>There are separate powers to deal with street drinking, unlawful assembly or individual acts of harassment.</p>	<p>William Hill we have agreed to amend paragraph 11.1 of the consulted version of the draft statement (10.1 in the final version of the statement) and remove the words 'the premises' from the third line and replace them with 'gambling from'. This will mirror the licensing objective and the wording of the OBJ1 objective. However, we disagree that a licence holder's responsibility in relation to the Act is limited to the premises and curtilage. It is clear from experience that customers from gambling premises can cause crime and disorder at and around licensed premises. The reason for their presence is due to the gambling premises and therefore any crime or disorder associated with gambling, which includes the premises will be relevant. It should also be noted that the purpose of OBJ1 is relevant to all gambling premises and other types of gambling premises may have a wider influence in relation to crime and disorder. For example gambling premises, such as a casino could attract crime and disorder to the local area in the form of street robbery or theft from motor vehicles. The reason for these crimes may relate to customers going to or leaving the premises with significant sums of money or the parking of cars in the local area to access the gambling premises.</p> <p>The use of gambling premises by criminals to</p>
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	<p>In most cases, betting shop operators and/or their staff are victims of crime. In the circumstance detailed above, the premises (and its use) are neither the cause of the crime or "associated" with crime (in the context envisaged by Parliament).</p> <p>Whilst we accept public opinion is valid, it is not evidence and references to public opinion (often used as a proxy for political opinion) should not constitute part of a policy document. Particularly where that opinion is based on erroneous fact or mere conjecture. We firmly believe that these references would not pass judicial scrutiny.</p> <p>Paragraph 11.4 is particularly objectionable as there is no clear evidence of a systemic problem. We do not dispute that issues occur in individual betting shops on rare occasions, but the Authority will also be aware that there are greater crime levels in alcohol licensed premises and retail premises. We feel that there is no contextualisation here and this is indicative of an exclusionary policy and bias against betting operators. Westminster also has a general problem with street crime and street disorder that cannot be laid at the door of betting shops.</p> <p>The Authority should take care not to apply too wide a definition to the crime and disorder objective, which could clearly be open to legal challenge.</p> <p>Primary Use</p>	<p>evade detection is in our view relevant. We are aware of Adult Gaming Centres and betting shops being used by drug dealers, prostitutes and street robbers to loiter and congregate when police are in the area. Their presence in these premises is not to participate in gambling but to avoid contact with the police and potentially carryout illegal activity. We do expect gambling operators to establish measures to prevent their premises from being associated with crime or disorder and especially if a location is identified as being a particular concern in relation to criminal activity.</p> <p>We agree that betting operators can be victims of crime and the council and the Metropolitan Police Service will support operators in trying to address crime or disorder at the premises or in the vicinity.</p> <p>As stated above we do expect gambling operators to consider how they can prevent their premises and gambling from being associated with crime and disorder when an area has been identified as of particular concern to crime and disorder. When the Licensing Authority considers applications relating to these premises it will have regard to any evidence presented to it by a responsible authority and interested parties. It will also consider any responses from an</p>
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	<p>Current Gambling Commission advice makes it clear that as long as a betting premise offers full facilities that it is not the Authority's place to analyse the income from different products. This is clearly a reference to gaming machines which are a legitimate betting shop product.</p> <p>Paragraph 12</p> <p>The Gambling Commission have made it clear that the "Fair and open" Objective is generally not a matter for Licensing Authorities (who have little or no expertise in this area). We are therefore surprised by the Authority's approach in reserving the right to intervene in this area.</p> <p>Paragraph 13.3</p> <p>Likewise the location of schools and youth centres is</p>	<p>applicant or licensee in relation to that evidence and make a decision based on the evidence.</p> <p>We are aware that that Gambling Commission are about to consult on Operators Licence Condition 16 which is replacing Primary Gambling Activity. However, until that consultation has been carried out and condition 16 of the Licence Conditions and Codes of Practice (LCCP) has been amended we will not be making any changes to the Primary Gambling Activity section of the Statement. However, this is being reviewed as part of stage 2 which will be consulted upon next year.</p> <p>No changes were proposed to OBJ2 (para 12 of the consulted version of the draft statement) apart from two minor typographical errors. We fundamentally disagree with the view that the Fair and Open licensing objective is not for the Licensing Authority to consider. Section 153 makes it clear that it is a consideration and although it is less likely to be an issue at a premises level than that at an operator level the Licensing Authority will consider applications in line with OBJ2.</p> <p>No changes were proposed to OBJ3 (par 13 of the consulted version of the draft statement) apart from the removal of</p>
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broadly irrelevant if the operator has appropriate age restriction controls (as is required by law and existing regulation). Also see our comments on location policy below.

‘promote’ and replacement with ‘reasonably consistent with’ in relation to the licensing objective. We do feel that schools in an area surrounding gambling premises are a legitimate consideration. However, operators are invited to comment on the control measures they have in place to prevent access, such as think 21 policies, staff training, third party testing, etc. We will amend paragraph 13.3 of the consulted version of the draft statement of the draft statement to create two amended paragraphs in the final version numbered 12.3 and 12.4 which are shown below.

“Persons under 18 cannot be admitted to many types of gambling premises. New gambling premises or variations to existing premises that are in close proximity to schools or main routes to schools will expect the applicant to have carefully considered their operation and any potential for exposing children and young people to gambling. Operators should demonstrate policies and procedures that will prevent children and young people from entering premises or partaking in gambling activities.

It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission states that “it will for regulatory purposes assume that this

	<p>Part 14</p> <p>Whilst safeguarding against child sexual exploitation is a laudable aim, this is not relevant to the gambling Licensing Objectives and certainly not relevant to betting shops which are over 18 environments. The Authority has recognised that the principle duty is to protect children and other persons from the potentially harmful effects of gambling; as opposed to wider societal harm. We accept that in premises with Family Entertainment Centres (which admit children) and Adult Gaming Centres combined that there may be a degree of heightened risk, but again there is not evidence cited.</p> <p>Part 15 Location Policy</p> <p>The Authority is reminded that they cannot operate an exclusionary policy based on what they determine to be vulnerable premises/locations. It is right that</p>	<p>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". This is the definition of vulnerable persons the council will use in its consideration of applications.</p> <p>This was a new section added to address the concerns over the potential of child sexual exploitation. The Council is aware of allegations relating to children and sexual exploitation from customers of gambling premises. As a result of this information the council has added this part the draft statement. We feel it is relevant to gambling and fits both the crime and protection of children and young people gambling objectives.</p> <p>No changes were proposed in the draft version of the statement from the current version apart from some minor typographical errors and to change 'promote' to reasonably consistent with' relating to the licensing</p>
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	<p>special consideration is given to the risk controls; where there is clear evidence that the premises could be accessed by children and vulnerable groups. However operators must also act in accordance with the Equality Act and not automatically exclude any class of person. Each case (particularly where there are questions over capacity) has to be considered in an holistic way and on its own merits. The policy should recognize the complexities as outlined. Disability and any degree of mental incapacity, cannot be treated as a reason for exclusion from the premises or indeed a general exclusionary policy regarding location because of generalised theoretical risk.</p> <p>Furthermore, in anticipation of a local area profile that maps deprivation, we do not see the relevance of maps that indicate areas of social deprivation. The majority of inner city betting shops cater for demand in areas of dense population or high footfall. In many areas of Westminster, areas of deprivation will back on the busy business districts and areas of strong footfall. Therefore the whole picture has to be taken into account.</p> <p>We are at a loss to understand what additional controls could be put in place to further reduce gambling related harm in areas designated as deprived. The physical location of betting shops- in terms of the vibrancy and vitality of high streets- is really a matter for the planning regime (betting shops are in a sui generis use class). Unless the Authority</p>	<p>objectives. This policy has been effective for a number of years and the Council has made it clear in the opening paragraph of section 15 of the consulted version of the draft statement (14 in the final version of the statement) that demand is not a consideration relating to gambling premises. As indicated in William Hill's response the new risk assessment requirement placed upon operators will require them to consider the effects of the premises in relation to the licensing objectives. We intend to provide more information and policy considerations in the revised stage 2 statements which will be put out for consultation in early 2016. This revised statement will provide further information relating to crime and disorder, children and the vulnerable within the local area profile. It should be noted that Westminster does not intend to use deprivation scoring as any marker relating to vulnerability.</p> <p>We agree that the council will not be considering, in relation to the premises licence the vibrancy and vitality of high streets which is a planning issue. However, it will consider the area and location of gambling premises in relation to the licensing objectives.</p>
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wishes to pursue an unlawful exclusionary policy in respect of betting shops then we cannot understand why deprivation would be a relevant factor under the “aim to permit” principle. Such a policy would be at odds with the general principles of the Act.

The words “applications will not be granted in sensitive locations....” clearly indicates the imposition of an exclusionary policy where the council is seeking to reverse the burden of proof. This is clearly an abuse of process and open to legal challenge.

Paragraph 15.2 The idea of asking commercial premises to close at key times of the day is frankly illogical and a disproportionate way of dealing with a theoretical and generalised perceived risk.

We accept the wording in LOC1 does appear to be exclusionary which isn't the council's intention relating to this policy. To ensure that this policy is representative of the authority's intentions we will amend LOC1 to the following:

“Applicants for new or variation applications of premises licences within a sensitive location must include detailed information as to how the proposals will be reasonably consistent with the gambling objectives and policies OBJ1, OBJ2 and OBJ3 A sensitive location is defined as any premises which is within close proximity or on a main route to a school, other educational institution, hostel or other sensitive locations where there is the potential for exposing children, young people or other vulnerable persons to gambling.”

With reference to paragraph 15.2 of the consulted version of the draft statement (14.2 of the final version), this relates to possible proposals for applicants to address local concerns and to demonstrate a method of addressing that concern. It is not being

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### Additional Licensing Conditions

Whilst it is sometimes helpful to have sample conditions, the law is very clear that additional conditions (over and above the mandatory and default conditions) should only be imposed where they are relevant to deal with clearly identified risk, in specific circumstances.

We are aware that the Authority has issued a template of potential additional conditions. Some of these stated conditions are generally commercially unworkable (and damaging) and cannot be used as a way of extending the mandatory and default conditions as a matter of course. We are not sure where this list has been taken from, but it is erroneous with many of these conditions being subject to dispute and possible legal challenge.

We see that the inclusion of a standard list of Licensing Conditions could be wrongly applied by Licensing Committees or officers as a standard list for Westminster gambling premises. This approach would be unlawful. Any template should be discussed fully with the industry as part of the consultation process.

imposed on operators, rather operators may choose to adopt this if they identify it as a suitable control measure.

No changes have been proposed to the wording of the licensing conditions section apart from correcting minor typographical errors. The council has established a pool of model conditions for gambling. These are not included in the draft statement and there is no intention to include these. The pool of model conditions are intended to be used by applicants, licensees, responsible authorities and interested parties to address specific issues and to provide some consistency with the wording of conditions.

The Licensing Authority is entitled to impose conditions, in addition to the Mandatory and Default conditions already in place to address specific issues. When considering conditions on premises licences the committee will consider the reasoning for those conditions and hear from all parties before determining whether to impose them on a licence.

It should be noted that the Conditions section within the draft statement is not limited to betting premises and relates to all gambling premises. Some examples within this section may not be relevant or workable for betting

	<p>Other than in extreme cases (of disorder as opposed to nuisance), as a temporary measure, door supervision is not a generally effective control mechanism in betting shops. Similar to other operators within the gambling sector, there is an obligation on William Hill's own staff to "watch the door and manage the floor", effectively providing the 'in-house' services referred to in the Gambling Commission Guidance to Local Authorities. Door supervisors have no authority to police the street.</p> <p>Conclusions</p> <p>Many aspects of this amended policy are objectionable. Conclusions lack evidential rigor and there is a clear attempt, in our view, to undermine the fundamental "aim to permit" principle by the use of exclusionary language and the setting of additional hurdles for operators. Were the amended policy to remain in its current form then it is susceptible to legal challenge on the grounds of reasonableness and its inconsistency with the provisions of the enabling Act (Gambling Act 2005).</p> <p>We note that the Authority had proposed a workshop with operators over its proposed approach to risk assessment. This has not happened and whilst operators have been asked to respond to written consultations, it is clear that the lack of face to face consultation has been detrimental and such a workshop would have improved the consultation process and created a more collaborative</p>	<p>shops but they may be for other gambling premises.</p> <p>This draft statement is the same as the current statement with the exception of those changes identified within the draft stage 1 statement which was consulted upon. We do not agree that the policy will in any way undermine section 153, "aim to permit" principles. The council has operated the gambling licensing regime for the past three years under the current statement effectively and that statement has not been legally challenged.</p> <p>A workshop relating to the guidance on risk assessments has been proposed but due to operational resource restrictions within the Licensing Team this has been delayed until either later in the year or early 2016. That consultation and engagement is outside of the scope of the Statement of Licensing Principles for Gambling and will be</p>
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		<p>environment.</p> <p>As currently drafted, the policy is likely to drive conflict and legal dispute which for a generally business friendly Authority like Westminster is a disappointing outcome.</p> <p>The policy and general approach also offends better regulation principles. We will be taking this issue up the BRDO.</p>	<p>progressed under its own work stream.</p> <p>We appreciate William Hill's time in making their response to this consultation. We do not feel that we are driving conflict and creating a legal dispute with the trade via this statement. We have set out our intentions very clearly that we plan to readopt the existing statement with some minor amendments as stage 1 and that we will be consulting on a completely revised statement in early 2016 as stage 2 of this work stream. We do not consider the statement to be in conflict with the better regulation principles and indeed the Regulators Code.</p>
30/09/2015	National Casino Forum (Trade Association)	<p><b>Question 1</b></p> <p>The National Casino Forum (NCF) is the trade association which represents over 98% of the land based casinos in the UK. All the casinos operating in Westminster are members of the NCF.</p> <p>The NCF recognises the requirement placed on the Authority to review its Statement of Licensing Principles for Gaming. It also supports a two stage review that ensures that the Licensing Principles remain as current and relevant as possible.</p> <p>NCF supports the proposed initiatives and awareness requirements surrounding Safeguarding against Child Sexual Exploitation (CSE).</p>	



		<p>NCF members are committed to continuing to upholding the licensing objectives and maintaining high standards of controls with its casinos. These principles are underpinned by its Playing Safe strategy and the recent launch of SENSE, the Self-Enrolment National Self-Exclusion scheme.</p> <p><b>Question 2</b></p> <p>Although the Appendices section has been updated to reflect the increased stakes and prizes within the Gaming Machines – Category table, these changes have not been similarly updated in the preceding Categories of Casinos table.</p>	<p>Appendix 2 of the draft statement which was consulted upon should have been amended to reflect the current statutory requirements relating to casino tables. This has been corrected in the final version of the statement.</p>
01/10/2015	Hippodrome Casino (Casino Premises Licence Holder)	<p><b>Question 1</b></p> <p>The Hippodrome casino notes the changes made to the draft Statement of Licensing Principles for Gaming which are required to be reviewed. We support the inclusion of the proposals in relation to the Safeguarding against Child Sexual Exploitation (CSE) and the detailed requirements specified as well as the risk indicators outlined.</p> <p>We note that the Licensing Principles will need to be revised when the local risk assessments are submitted by gambling operators, as required by the Gambling Commission’s Licence Conditions and Codes of Practice.</p>	

		<p>We continue to be committed to complying with the licensing objectives and continuing with the high standard of controls within the premises.</p> <p><b>Question 2</b></p> <p>The Hippodrome casino believe that there should be emphasis on all, particularly smaller gambling operators to ensure sufficient resources are made available to safeguard against Child Sexual Exploitation and to uphold the licensing objectives.</p>	<p>The council has added the Safeguarding against CSE part to the statement with the intention that it will apply to all gambling operators no matter how big or small they are. The requirements for operators to demonstrate their CSE processes and policies are not considered to be over prescriptive or onerous. Any gambling operator wishing to seek assistance relating to developing their CSE policies and procedures can contact the Licensing Team who will provide assistance and guidance</p>
01/10/15	Association of British Bookmakers (Trade Association)	<p><b>Re: ABB Response to Proposed Stage 1 Statement of Licensing Principles for Gambling 2016 to 2019.</b></p> <p>We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to Stage 1 of the Council's review of its gambling statement. We note that there will be a further consultation upon Stage 2 and we will also forward a response with regard to that when it is available.</p> <p>The ABB represents over 80% of the high street</p>	

		<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>It is important that any consideration of the draft policy and its implementation at a local level is put</p>	
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		<p>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.</p> <p>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.</p> <p>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.</p> <p>Working in partnership with local authorities</p> <p>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.</p> <p>There are a number of examples of the ABB working closely and successfully in partnership with local authorities.</p>	<p>Westminster City Council is committed to engaging with gambling operators and their relevant trade associations where possible. This approach is effective in dealing with issues and in setting out the council's views in relation to the larger policy context or for individual premises. There are plans to have further engagement with the gambling industry on the second stage of the council Statement of Licensing Principles for Gambling. There is also an intention to engage with the industry over the council's</p>
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	<p>LGA – ABB Betting Partnership Framework</p> <p>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.</p> <p>Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the <i>“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”</i></p> <p>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.</p> <p>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.</p> <p>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</p>	<p>Guidance on Local Area Risk Assessments for Gambling Premises.</p>
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		<p>concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.</p> <p>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.</p> <p>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.</p> <p>Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth &amp; Regulation, said: <i>"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."</i></p> <p>Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said: <i>"This project breaks new ground in terms of the</i></p>	
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*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.

		<p>Local area risk assessments</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>We understand the ABB concerns relating to this and that they have raised these concerns with the Gambling Commission. However, the proposed stage 1 draft Statement of Licensing Principles for Gambling, which was subject to this consultation, did not include any specific requirements relating to local risk assessments. This will be contained within the stage 2 revision that will be released in early 2016 and the ABB will be a consultee in respect to that consultation.</p>
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		<p>assessments to their own operational processes informed by Statements of Principles and the local area profile.</p> <p>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.</p> <p>Local Area Profiles – Need for an evidence based approach</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>The council is aware of the concerns expressed in the ABB’s submission relating to Local Area Profiles. However, the council has not included a Local Area Profile in the stage 1 draft of its Statement of Licensing Principles for Gambling. The Council does intend to incorporate a Local Area Profile in the proposed stage 2 draft Statement of Licensing Principles for Gambling. This stage 2 revision will be released in early 2016 and the ABB will be a consultee in respect to that consultation.</p>
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		<p>improvements in protections against gambling related harm can be made.</p> <p>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.</p> <p>Concerns around increases in the regulatory burden on operators</p> <p>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.</p> <p>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.</p>	
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		<p>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.</p> <p>Employing additional licence conditions</p> <p>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.</p> <p>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.</p> <p>Specific Policy Comments</p> <p>The ABB welcomes the removal of the references to “promoting” the licensing objectives and the implicit acknowledgement that it is neither the function of the licensing authority or operators to promote those licensing objectives.</p>	<p>The council will consider the imposition of licence conditions on each applications merit after having regard to any representations that have been made by the applicant, a responsible authority or interested party.</p>
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		<p>The ABB also welcomes the removal of the sections with regard to gaming prevalence and problem gaming and we anticipate that those sections will be replaced once your research with regard to vulnerable groups is available when Stage 2 of the policy is consulted upon.</p> <p>It is unfortunate that the policy does not recognise the fact that regulated gambling is a lawful pastime enjoyed by many people. The policy also fails to recognise that the overriding principle of Gaming Act 2005 is that the licensing authority is to aim to permit the use of premises for gambling. This is not recognised until page 12 of the statement. We respectfully submit that this should be included within the introduction which deals with the licensing objectives and the fact that nothing in the policy statement overrides the right of any person to make an application which will be considered on its own merit.</p> <p>Paragraph 10.3 refers to concerns raised in the review of the second statement of principles. These issues are now over three years old and clarification has since been given by the Gambling Commission and the work on the principle use of betting offices and provision of gaming machines. Unless these concerns remain and are supported by evidence that this paragraph should be removed as it is pejorative and suggests that the authority's view is not that it will aim to permit betting offices.</p>	<p>The council recognises that gambling is a lawful activity and that it is enjoyed by a large number of the population. We have delete paragraphs 10.1 to 10.7 on page 12 of the consulted version of the draft statement which is where you refer to the aim to permit principles. We will be emphasising the requirements under section 153 'aim to permit principles within the introduction to the statement and also set out the council's duty to promote business whilst protecting those who are most vulnerable or at risk to gambling related harm.</p>
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		<p>The paragraph beneath policy Obj 1 introduces the criteria that will be considered by the authority in determining “whether the <u>premises</u> make or will make a contribution to the level of crime and disorder....” The licensing authority is respectfully reminded that the licensing objective is to prevent <u>gambling</u> from being a source of crime or disorder.</p> <p>The policy also indicates that the authority will not consider issues of nuisance. The policy would be assisted by the inclusion of the Gambling Commission’s statement that disorder is intended to mean activity that is more serious and disruptive than mere nuisance, and that factors to consider in determining whether a disturbance was serious enough to consider disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.</p> <p>Paragraph 16.4 indicates that a premises licence issued by the licensing authority will be subject to mandatory and/or default conditions and <u>conditions imposed by the council</u>. The licensing authority is reminded that the ability to impose conditions will only arise where there are relevant representations and the committee has considered evidence in a hearing that the mandatory and default conditions will need to be supplemented by additional conditions. The policy should acknowledge that the starting point for consideration of an application is that it will be granted without conditions.</p>	<p>We will be amending the wording in paragraph 11.1 of the consulted version of the draft statement (10.1 of the final version) to replace “the premises” with the “gambling from” on the 3<sup>rd</sup> line.</p> <p>As stated above the council will consider each application on its own merits and where necessary impose conditions to ensure that the premises meets the requirements of section 153 of the Act. In determining an application that is opposed and whether to add conditions the Committee will consider the views of the applicant, responsible authorities and interested parties at the hearing before coming to any decision.</p>
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	<p>Paragraph 25.3 needs to be clarified. The holder of a betting premises licence is entitled to make up to four category B, C or D gaming machines available for use. The licensing authority cannot impose a condition to change this. It is accepted that upon application, an applicant must demonstrate that the primary gambling activity will be betting. Once the licence is granted, however, it may make gaming machines available on the premises.</p> <p>Conclusion</p> <p>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.</p> <p>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.</p> <p>Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling,</p>	<p>For clarification we will remove “and, unless it does so, should not be making gaming machines available on the premises”.</p>
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		<p>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.</p>	
02/10/2015	Coral Racing Limited (Betting Shop Premises Licence Holder)	<p><b>Question 1</b></p> <p>Comments included within Q2 response.</p> <p><b>Question 2</b></p> <p>The majority of the Statement of Licensing Principles for Gambling produced by Council's include a reference stating that any moral objections to gambling should not be taken into account when judging applications and we kindly suggest that this is included.</p> <p>With reference to Location Policy LOC1 (item 15.1 within your statement), your statement references premises being located within the proximity of schools as being a possible relevant consideration which may affect the licensing objectives to be upheld.</p> <p>Coral Racing knows of no evidence that the location of a licensed betting office within the proximity of schools causes harm to the licensing objectives nor</p>	<p>The council will be amending the wording of LOC1 to ensure that this policy is representative of the authority's intentions. The wording of LOC1 will be amended as follows:</p> <p>"Applicants for new or variation applications of premises licences within a sensitive location must include detailed information as to how the proposals will be reasonably consistent</p>

		<p>that children coming from schools are gaining access to betting offices. Our 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 fully recognises within your Statement that it notes that each application will be considered on its merits.</p>	<p>with the gambling objectives and policies OBJ1, OBJ2 and OBJ3 A sensitive location is defined as any premises which is within close proximity or on a main route to a school, other educational institution, hostel or other sensitive locations where there is the potential for exposing children, young people or other vulnerable persons to gambling.”</p> <p>With reference to paragraph 15.2 this relates to possible proposals for applicants to address local concerns and to demonstrate a method of addressing that concerns relating to children and young people. It is not being imposed on operators but operators could consider this if they identified it as a method of addressing the licensing objective.</p>
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02/10/2015	Licensing Advice Project – Citizens Advice Bureau (Charity)	<p><b>Question 1</b></p> <p>We have read through the track-changed Statement and the changes all seem sensible. We have no comments on the suggested amendments proposed in stage 1.</p> <p><b>Question 2</b></p> <p>Given the statutory time constraints and the intention to initiate a more comprehensive revision of the Statement Licensing Principles to take into account</p>	<p>The council notes the response from the Citizens Advice Bureau and we will ensure that they are consulted on the stage 2 revision in early 2016</p>
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		<p>changes to the LCCP and the outcome of the joint research project with Manchester City Council, it seems sensible to have a two-stage approach as proposed. We are sure that the development of Local Area Profiles will be of interest to some residents/groups, and so we look forward to seeing the stage 2 proposals in due course.</p>	
02/10/2015	Paddy Power (Betting Shop Premises Licence Holder)	<p><b>Power Leisure Bookmakers Limited response to Westminster City Council's Consultation on its draft Statement of Gambling Principles</b></p> <p>Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.</p> <p>Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with</p>	

		<p>gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, which were introduced by the Gambling Commission earlier this year.</p> <p>We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. As the Gambling Commission is in the process of amending its Guidance to Licensing Authorities, should the Authority's policy require further revision, stakeholders should be consulted before any final changes are made. The Regulator's Code also identifies that where local risks are to be addressed, an evidenced based approach should be taken.</p> <p>Unnecessary burdens would include those which duplicate existing regulation. Licensing Authorities must therefore avoid approaches to regulation in their policy statements which mirror those already imposed</p>	<p>The council has considered the stage 1 draft statement in relation to the provisions of better regulation and the Regulators Code. This new statement is a re-adoption of the existing Statement of Licensing Principles for Gambling with the exception of some minor amendments. The Council has made it clear that it intends to consult in early 2016 on a revised statement which will be very different from this proposed policy and it will include elements such as the Local Area Profile, new structures approach to the statement, more specific policies rather than generic policies for all operators and what it will consider when determining applications for new and variations to existing premises. The council will be reviewing the stage 2 revision in line with the Regulators Code and other relevant considerations prior to consultation.</p>
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		<p>by the Gambling Commission.</p> <p>General Policy Commentary Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria.</p> <p>The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.</p> <p>Location and local area risk assessment Westminster City Council will be aware that under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. To ensure that better regulation principles are followed, operators should be allowed to assess their existing operational</p>	<p>The stage 1 draft consultation doesn't make any reference to the new LCCP requirements for local risk assessments. As stated above the stage 1 statement is the re-adoption, subject to some minor amendments to the current version of the council's policy. As stated above we will consider the Regulators Code when finalising the stage 2 statement prior to consultation in early 2016.</p>
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		<p>processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas must only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Identification of theoretical risk factors such as area demographics, ethnicity, proximity to other premises and deprivation should only be included where local evidence is available, which quantifies the ascertainable risk to be mitigated. Any proposed measures to address risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators. We believe that the Stage 2 policy must be amended to follow these principles.</p> <p>Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns. It may not be proportional for applicants or existing licence holders to actively engage in investigations for unique localised risk factors where problems, which may be associated with gambling premises are not realised. Operators are under existing obligations to regularly review their policies and procedures incorporating risk assessment at a local premises level and, as such, it</p>	
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		<p>may not be appropriate for the Authority to prescribe the nature of such assessment as internal processes should already be responsive to evidence of changes in local operational risk profiles.</p> <p>Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders at that time. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.</p> <p>Any finalised policy must not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.</p> <p>Primary Authority Power Leisure Bookmakers Limited has established a Primary Authority Partnership with Reading Council. The primary authority worked with the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people</p>	
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		<p>from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.</p> <p>Conditions Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.</p> <p>Safeguarding against child sexual exploitation Paddy Power is concerned regarding the additional paragraphs regarding safeguarding against sexual exploitation.</p> <p>The Gambling Act 2005 licensing objectives relating to children refers to protecting children and other vulnerable persons from being harmed or exploited by gambling.</p> <p>The additional paragraphs regarding safeguarding against child sexual exploitation have no relevance to gambling. There is no evidence to support the inclusion of this content within the policy statement. Children are not permitted to enter betting premises. The risk indicators listed at the proposed 4.13 generally relate to activities which would take place</p>	<p>As stated above the council will consider each application on its own merits and where necessary impose conditions to ensure that the premises meets the requirements of section 153 of the Act. In determining an application that is opposed and whether to add conditions the Committee will consider the views of the applicant, responsible authorities and interested parties at the hearing before coming to any decision.</p> <p>This was a new section added to address the concerns over the potential of child sexual exploitation. The Council is aware of allegations relating to children and sexual exploitation relating to customers of gambling premises. As a result of this information the council has added this part the draft statement. We feel it is relevant to gambling and fits both the crime and protection of children and young people gambling objectives.</p>
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		<p>within betting premises. These cannot be relevant to a betting premises as children are not permitted to enter.</p> <p>Child sexual exploitation is a serious matter. However it is the responsibility of Paddy Power to protect children from being harmed or exploited by gambling. To ask us to safeguard against child sexual exploitation goes beyond the objectives of the Gambling Act 2005. Whilst we agree that licence holders, indeed all businesses throughout society, should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objectives of the Gambling Act.</p> <p>The council has decided to remove the section on gambling prevalence and problem gambling and has also made amendments to the current paragraphs 11.6 and 11.7 on evidence of issues relating to the concentration or density of betting shops, extensions of opening hours for betting shops, association with crime and disorder in the vicinity of betting premises, and the primary use of betting shops and provision of gaming machines. Paddy power would like to better understand, to be able to respond to the consultation, the council's motives for removing these sections.</p> <p>Conclusion</p> <p>We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in</p>	<p>This element of the draft was removed as it was felt that this data was now out of date and that there has been increasing amounts of research over the past three years which we couldn't include in this version of the statement due to the limited timeframe involved in meeting the statutory requirements for publication. We note the comments on making Committee members aware of the latest gambling research. We will ensure that officers do provide members with any updates on research into gambling related harm or problem gambling during the period when this statement is in effect. It is intended that the stage 2 revision of the Statement of Licensing Principles for Gambling will include a detailed element in</p>
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		support of the licensing objectives. We look forward to discussion on the proposed Statement of Principles with you.	relation to gambling related harm and problem gambling which will reflect relevant research into these specific areas.
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## Additional changes to the consulted version of the draft statement

Paragraph of consulted version changes by Licensing Authority	Final version paragraph number	Change	Reason
5.6	5.6	Added amenity societies, Ward Councillors and Members of Parliament to the list of individuals who would be deemed by the council to represent interested parties upon request.	It was felt that the current list omitted these three groups who are prominent within Westminster for representing interested parties.
11.1	10.1	Reworded "he has" to "they have".	Removal of masculine reference within this paragraph to a more inclusive phrasing.
14.2	13.2	Addition of reference to OBJ1 policy and addition of to the first bullet point to include signposting to information and support services within staff training.	Due to the nature of Safeguarding Children from Sexual exploitation there is an element of criminal activity that would have an impact on the Crime licensing objective. As a result it was felt that a reference to OBJ1 should be included along with OBJ3 relating to protection of the vulnerable and children. It was also felt that awareness training should also include information and signposting to support services.
17.2	16.2	Removal of old reference to LCCP supplements and LA Bulletin relating to Primary Gambling Activity	Outdated
19.1	18.1	Re worded reference to guidance on the meaning of	Updated to reflect the 5 <sup>th</sup> Edition of

		premises and multiple unit premises	Guidance to Licensing Authorities that was issued by the Gambling Commission during consultation period
19.4, 20.4 and 21.10	18.4, 19.4 and 20.10	Amend section reference from 22 to 21	Section number changes due to deletion of earlier redundant section (Section 10 of the consulted version of the draft statement)
21.2 and 21.3	20.2 and 20.3	Re worded reference to guidance on access to premises	Updated to reflect the 5 <sup>th</sup> Edition of Guidance to Licensing Authorities that was issued by the Gambling Commission during consultation period
21.4	20.4	Removal to reference of past three years	As this is the next edition of the Council's statement the period of three years wasn't relevant to this edition as it referred to the period prior to the last review back in 2012.
24.3	23.3	Deletion of existing paragraph and new paragraph inserted relating to gaming machines entitlements.	Outdated paragraph and didn't reflect legislation changes in 2011 relating to Bingo premises gaming machines entitlements.
26.3	25.3	Addition of reference to paragraphs 20.56 to 20.61 from the 5 <sup>th</sup> Edition of the Commission's Guidance relating to multiple licences at tracks.	Updated to reflect the 5 <sup>th</sup> Edition of Guidance to Licensing Authorities that was issued by the Gambling Commission during consultation period
27.1	26.1	Redrafted paragraph to reflect gaming machine entitlement for AGC premises	Outdated paragraph and didn't reflect legislation changes in 2011 relating to AGC premises gaming machines entitlements.
30.1	29.1	Addition of references to paragraph 5.3 and Part 33 of the 5 <sup>th</sup> Edition of the Commission's Guidance relating to door supervisors	Updated to reflect the 5 <sup>th</sup> Edition of Guidance to Licensing Authorities that was issued by the Gambling Commission during consultation period

34.3	33.3	Re number paragraph reference in the Gambling Commission's Guidance to relevant paragraph on 5 <sup>th</sup> Edition of the Guidance.	Updated to reflect the 5 <sup>th</sup> Edition of Guidance to Licensing Authorities that was issued by the Gambling Commission during consultation period
28.1	28.1 and 28.2	Split paragraph to two separate paragraphs. Also include new policy FEC1 which mirrors the AGC1 policy.	It was felt that there was an omission not to add a policy relating to FEC's which matched the current AGC policy. The policy for FEC was felt to be appropriate as no policy is currently present for these licensed premises types. However, the current Statement does include references to what the council expects applicants to provide which is very similar to that already in place for AGC's.
Glossary – Bingo Premises	Glossary - Bingo Premises	Bingo premises gaming machine entitlement changed to reflect changes to legislation	Outdated reference didn't reflect legislation changes in 2011 relating to Bingo premises gaming machines entitlements.
Glossary – Adult Gaming Centres	Glossary - Adult Gaming Centres	Adult gaming centres changed to reflect changes to gaming machine entitlement implemented via legislative changes	Outdated reference and didn't reflect legislation changes in 2011 relating to Bingo premises gaming machines entitlements.
Glossary - Categories of Casinos	Glossary - Categories of Casinos	Amended to table to reflect gaming machine entitlements	Updated to reflect changed to Maximum stakes and prizes which were incorrect following a recent legislative change.
Glossary – Guidance	Glossary – Guidance	Additional reference to 5 <sup>th</sup> Edition of Guidance	Updated to reflect current version
Glossary – Unlicensed FEC's	Glossary – Unlicensed FEC's	Re-worded reference	Change to better reflect what an Unlicensed FEC is.