



**GAMBLING ACT 2005**

**STATEMENT OF LICENSING POLICY**

Revised: 22/11/2006  
Approved by Council on 28 November 2006

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## **PREFACE**

The Royal Borough of Kingston upon Thames lies to the south west of London with a population of around 155,000. It plays a major role as a commercial and employment centre serving a wider catchment of SW London and NE Surrey, particularly through Kingston town centre's role as a major shopping centre and provider of evening and night time entertainment. It is bordered by the River Thames, the County of Surrey and the London Boroughs of Richmond, Sutton, Merton and Wandsworth. The borough has a long and rich history and includes the suburban areas of Surbiton, New Malden, Old Malden, Coombe, Tolworth, Chessington and Worcester Park.

In addition to its residential population, the borough attracts an estimated quarter of a million shoppers every week. Kingston town centre, also has a range of cultural and entertainment attractions including a 14 screen cinema in the Rotunda, bowling, bingo, 6 health and fitness clubs, 3 main nightclubs plus smaller clubs, the Kingfisher leisure centre, the library and museum, a hotel, the Kingston College arena and a new theatre due to open in 2007. The town centre is a major higher and further education centre with Kingston University and Kingston College. The University employs some 1800 academic professional and support staff and has around 17,000 students. The majority of full time students reside within the local area and are increasingly working as flexible part time employees in retail and service businesses in the town centre.

The town centre has a vibrant evening and late night economy with a total capacity of over 15,000, and on average drawing up to 10,000 visitors from a wide catchment area.

Outside of the town centre the centres of New Malden and Surbiton have significant retail and commercial areas. The remainder of the borough comprises predominantly suburban – housing with localised shopping areas.

There are no racecourses or dog tracks sited in the borough.

## **INTRODUCTION**

### **Declaration**

1. The following policy has been approved by the Royal Borough of Kingston upon Thames [The Council] in accordance with its responsibilities and powers under the Gambling Act 2005 and takes account of the guidance issued by the Gambling Commission and responses from those consulted on this policy statement. The area covered by this policy is shown on the map at Annex 1.

### **Consultation**

2. In determining its policy for the first-year period the Council has consulted widely on this policy statement and a list of bodies, companies and individuals that we *consulted* is given below;
  - The Police
  - The Kingston Community and Police Consultative Group
  - The London Fire and Emergency Planning Authority
  - Residents Associations and the public generally
  - Representatives of bingo halls, betting shops and amusement arcades
  - Representatives of local businesses, Chambers of Commerce and Trade Associations
  - Kingston Town Centre Management Board
  - Crime and Disorder Reduction Panel
  - Director of Learning and Children's Services
  - Director of Community Services
  - Director of Environmental Services [Planning Authority]
  - Faith Communities
  - Kingston Primary Care Trust
  - South West London & St Georges Mental Health Trust
  - Deputy Lieutenant for Kingston
  - GamCare

### **Review**

3. This policy will remain in force for a period not exceeding three years from approval and within that period will be reviewed.
4. When undertaking any review of the policy the Council will consult with a wide range of authorities and organisations

## **Licensing Authority Functions**

5. The policy relates to all those activities falling within the scope of the Gambling Act 2005 [The Act] for which the Council is the Licensing Authority and which includes the following activities:-
  - Casinos
  - Bingo
  - Betting premises
  - Tracks
  - Adult Gaming Centres
  - Family Entertainment Centres
  - Gaming Machines
  - Gaming Permits
  - Prize Gaming
  - Temporary and Occasional Use Notices
  - Small Society Lotteries

The main functions of the Council as Licensing Authority are the following:-

- responsibility 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 more than two machines are required;
- register small society lotteries below prescribed thresholds;
- issue prize gaming permits;

- receive and endorse temporary use notices;
- receive occasional use notices;
- provide information to the Gaming Commission regarding details of licences issued [see section above on ‘information exchange’];
- maintain registers of the permits and licences that are issued under these functions;
- enforcement of legislation in relation to premises.

### **The Licensing Objectives**

6. In exercising their functions under the Gaming Act 2005, the Council has a duty to promote the following licensing objectives.
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling

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

These objectives are the only matters that can be taken into account when determining applications.

### **Responsible Authorities**

7. 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 Council 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
  - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

For this purpose this the Council designates the Directorate Head of Children’s Services and Safeguarding.

For the purposes of the Act the following are the other responsible authorities in relation to premises:-

- The Council as Licensing Authority
- Gambling Commission
- Police
- Fire Authority
- Planning Authority
- Environmental Health
- HM Revenue and Customs

Contact details of all responsible authorities can be found on our website at [www.kingston.gov.uk](http://www.kingston.gov.uk)

### **Interested parties**

8. Interested parties can make representations about licence applications, or apply for a review of an existing licence, and are defined in the Gambling Act 2005 as a person that:

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

- The Council is required by regulation, to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
  - Each case will be decided upon its merits. This Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
  - This Council will generally view bodies such as residents and trade associations as interested parties if they have a member who lives close to the premises or whose business is likely to be affected by the activities being applied for.
  - Interested parties can be persons who are democratically elected such as GLA Members, MEPs, Councillors and MP's. Other than these persons, this Council will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the premises activities and/or

business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- Residents living within 50 metres of the application premise will be notified in writing where any application for a new or substantial variation to a licence has been made.

## **Representations**

9. Representations concerning applications for licences can only be considered where these have been made by a responsible authority or an interested party and only if such representations relate to one or more of the licensing objectives.

## **Exchange of Information**

10. Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

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

## **Enforcement**

11. This Council will be guided by the Gambling Commission's Guidance to local authorities. Enforcement will be proportionate, accountable, consistent, transparent and targeted, and in accordance with the published Licensing and Public Control Enforcement Policy.

The Council will adopt a risk-based inspection programme.

## **Promotion of Racial Equality and Human Rights**

12. The policy recognises that the Council has a legal obligation to work to eliminate unlawful discrimination and promote equality of opportunity on the grounds of age, disability, gender, race, religion or beliefs and sexual orientation. The provisions of the Gambling Act 2005 and this Policy will therefore be operated accordingly.

Human Rights – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-

- Article 6 that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 that everyone has the right to respect for his home and private and family life
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.

## **Determination of Applications and Interpretation of Policies**

13. The Council recognises the need to implement its licensing responsibilities as quickly, efficiently and cost effectively as possible. To that end it will operate through a system of Council, Licensing Committee and Sub-Committees [drawn from the Members of the Licensing Committee] and delegation to officers.

Applications will be dealt with by Sub-Committees and officers in accordance with Appendix 'A'. This is subject to the proviso that applications falling within the purview of officers may be referred to a Sub-Committee if officers feel that there are exceptional reasons for that to be done.

A Licensing Sub-Committee, drawn from members of the Licensing Committee, will normally sit in public to hear applications where representations have been received from interested parties and responsible authorities.

Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made representations as soon as practicable.

## PART B

### PREMISES LICENCES

#### 1. General Principles

Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Council will require all operators to comply with guidelines and codes of practice issued by and/or endorsed by the Gambling Commission.

This Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it is:

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

This Council takes particular note of the Gambling Commission's Guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, "entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area"; and will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed)."

**Location** - This Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. This Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

**Duplication with other regulatory regimes** – The powers within this Act and the attachment of conditions will not be used so as to duplicate controls and regulation already provided for under other legislation such as planning.

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

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – This Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, in considering issues of disorder – Applicants will be encouraged to discuss crime prevention procedures with the Metropolitan Police.

**Ensuring that gambling is conducted in a fair and open way** - This Council has noted that the Gambling Commission in its Guidance for local authorities has stated that “Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.”

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Council has noted the Gambling Commission Guidance to local authorities states that “The objective talks of protecting children from being “harmed or exploited by gambling”, but in practice that often means preventing them from taking part in or being in close proximity to gambling...”.

The Council will consider whether there needs to be specific measures to protect children in particular premises and will consider requirements for supervision at entrances, segregations of gambling areas and supervision of gaming machines.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions

about gambling due to a mental impairment, alcohol or drugs.” This Council will consider this licensing objective on a case by case basis.

**Conditions** - Any conditions attached to licences will be proportionate and will be:

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Council will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. This Council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

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

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

**Door Supervisors** - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The Council will make a door supervisor requirement only if there is clear evidence that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

**Problem Gambling** - the Commission will not seek to define “vulnerable persons”, but 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.

**Cash Machines/Credit** - It has also been noted that the Gambling Commission Guidance states: “section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines.” It is also understood that the Gambling Commission will be placing restrictions and requirements on Operating Licences for some premises as regards credit and this Council will consider the guidance when it is available.

## **2. Adult Gaming Centres**

This Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

As regards the protection of vulnerable persons, this Council will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

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

This Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

As regards the protection of vulnerable persons, this Council will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

### **4. Casinos**

This Council has passed a “no casino” resolution under Section 166 of the Gambling Act 2005 to take effect from 31 January 2007. The reasons for passing this resolution were:

- None of the consultation submissions supported casinos but some were against
- Casinos have the potential to cause harm
- Casinos do not form part of Kingston’s economic strategy

### **5. Bingo Premises**

This Council notes that the Gambling Commission’s Guidance states:

- “Licensing authorities will be able to find information about the restrictions that apply in the codes of practice that will be published on the Commission’s website”
- “Further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises”

Once this information is available, this Council will consider its application for premises licences for bingo premises.

It is important that, if children are allowed to enter bingo premises, they do not participate in gambling other than on category 'D' machines. If category 'C' machines are installed on bingo premises they must be in a physically segregated area, which is properly supervised and to which adults only are permitted.

## 6. **Betting Premises**

**Betting machines** - It is noted that the Gambling Commission's Guidance for local authorities states: "Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons."

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

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

"This Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that persons under the age of 18 years do not have

access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Clear display of odds
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours

This list is not exhaustive.

As regards the protection of vulnerable persons, the Council will consider the need for measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.

## **7. Travelling Fairs**

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

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

## **8. Provisional Statements**

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Council 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 is in the Council's opinion reflect a change in the operator's circumstances.

This Council has noted the Gambling Commission's Guidance that " A licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law."

## **9. Reviews**

A premises licence may be reviewed by the Council of its own volition or following an application by a responsible authority or interested party.

Where the request for a review is based upon issues that are not relevant to the guidance or codes of practice issues by the Gambling Commission, this Statement of Licensing Policy, or the licensing objectives or where the grounds are frivolous or vexatious, the request will be rejected.

The Council may initiate a review in relation to a particular class of premises licence or in relation to a particular premises. In undertaking a review of a class of premises the Council will look at the use made of premises and the arrangements licence holders have made to comply with licence conditions. In relation to a specific premises a review will look at whether facilities for gambling have been provided, if licence conditions are being observed or for any other reason [such as a complaint from a third party] which it thinks appropriate.

Following the determination of a review the Council will consider the following options:-

- [i] add, remove or amend a licensing condition;
- [ii] exclude a default condition imposed by the Secretary of State [e.g. opening hours] or remove or amend such an exclusion.
- [iii] suspend the premises licence for a period not exceeding three months.
- [v] revoke the premises licence.

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

**General Principles**

The Council will require all operators to comply with guidelines and codes of practice issued by and/or endorsed by the Gambling Commission.”

In particular operators of gaming machines in pubs, clubs and arcades must ensure that:

- All gaming machines display the GamCare helpline number
- Clear age signage is displayed

All machines are supervised to ensure that there is no underage play

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

Statement of Principles = This Council will expect the applicant to show that there are policies and procedures in place to protect children 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 CRB checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

The Council has no powers to set a limit on the number of machines.

**2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))**

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

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

provided to the 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

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” This Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected 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. Measures which will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre premises licence.

It should be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.

### **3. Prize Gaming Permits**

The Council is able to grant a permit authorising the provision of facilities for gaming with prizes on specified premises.

A premises already licensed for adult gaming, a family entertainment centre, [or a FEC holding a gaming machine permit] or a travelling fair are

able to offer prize gaming without the need for a separate prize gaming permit and subject to the following conditions:-

- [i] the limits on participation fees, as set out in regulations, must be complied with
- [ii] 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
- [iii] 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
- [iv] participation in the gaming must not entitle the player to take part in any other gambling.

In all other cases application will need to be made to the Council by the occupier of the premises who must be over 18 years of age and who must complete the appropriate application form accompanied by a relevant plan, details of insurance etc.

In exercising its functions under the Act the Council will, as these sort of premises appeal to children and young persons, give great weight to child protection issues in considering the suitability of the applicant.

The Council is able to grant or refuse an application but cannot impose conditions.

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

The Council may grant members clubs, upon application, a club gaming permit which authorises the provision of gaming machines, equal chance gaming and games of chance as prescribed in regulations.

The Club Gaming Permit will have certain conditions including the prohibition of use of a category 'B' or 'C' machine by children or young persons and that the holder complies with any resultant code of practice about the location and operation of gaming machines. Clubs holding permits will also need to meet certain other conditions in respect of equal chance gaming, games of chance [such as chemin de fer] as prescribed by regulations and prohibition by the public. A 48 hour rule of membership applies to all forms of gaming with the exception of low category machines.

A member club not wishing to hire the full range of facilities [or a commercial club not permitted to provide non-machine gaming] may apply

to the Council for a club machine permit. The conditions enumerated in paragraph will equally apply.

Members clubs may have at least 25 members and be established for purposes other than gaming.

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

- a) the applicant does not fulfil the requirements for a members' club 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.

It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003.

The Council may cancel the permit if premises are used wholly or mainly by children and/or young persons or an offence has been committed by the permit holder.

## **5. Temporary Use Notices**

Temporary Use Notices allow premises which do not hold a premise licence to be used on a short term basis to provide facilities for gambling (ie. a hotel).

It is noted that it falls to the Council to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site.

## **6. Occasional Use Notices**

Occasional Use Notices, track betting may be permitted by an occasional use notice on a track on eight days or less in a calendar year.

**PART D**  
**LOTTERIES**

This Council is responsible for the registration of those small scale lotteries whose principal office is located within the borough.

Such lotteries can only be promoted for charitable purposes, participation in or supporting sport, or cultural activities or for other non-commercial purposes other than for private gain.

Applications may be refused if:-

- [i] the applicant is not a non-commercial society;
- [ii] a person connected with the lottery promotion has been convicted of a relevant offence;
- [iii] false or misleading information is provided.

In considering whether to refuse an application or revoke a registration the Council will first give an opportunity to the society to make representations.

Where appropriate lotteries will be subject to investigations, particularly in regard to the following:-

- [i] making a late return or absence of returns;
- [ii] report of sales of tickets to children;
- [iii] report of lotteries being held without registration;
- [iv] misappropriation of funds.

## APPENDIX A – LICENCES, PERMITS AND NOTICES

<p><u>Premises licence</u>          Authorises the provision of facilities for gambling on premises for casinos, bingo, betting including tracks, adult gaming centres and family entertainment centres. The premises licence may also include details of conditions. These licenses will be valid for the life of the premises, subject to any review that may be triggered and lapse in certain circumstances, with no annual renewal required, although there is an annual fee. These licences are transferable to someone else holding a valid operating licence.</p>
<p><u>Operating licence</u>          Authorises individuals or companies to provide facilities for certain types of remote or non remote gambling. These licences are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operation. A single licence cannot authorise both remote and non remote activities; separate operating licences are needed for this. Conditions may be attached.</p>
<p><u>Personal licence</u>          Except for small scale operations, each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gambling Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.</p>
<p><u>Unlicensed family entertainment centre gaming machine permits</u>          These allow the use of category 'D' gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.</p>
<p><u>Club gaming permits and club machine permits</u>          Club gaming permits allow members' clubs and miners' welfare institutes [but not a commercial club] to provide gaming machines and equal chance gaming and games of chance. These clubs and commercial clubs may apply for a club machine permit which allows the holder to have up to 3 gaming machines of category 'B', 'C' or 'D'.</p>
<p><u>Alcohol licensed premises gaming machine permits</u>          The Council can issue such permits for any number of category 'C' or 'D' machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category 'C' or 'D' for use in alcohol licensed premises.</p>
<p><u>Prize gaming permits</u>          This permit allows the provision of facilities for gaming with prizes on specified premises. "Prize gaming" refers to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.</p>
<p><u>Temporary use notices</u>          These notices authorise the person or company holding a relevant operating licence to use the premises temporarily for providing facilities for gambling where there is no premises licence. Such premises may include hotels, conference centres and sporting venues.</p>
<p><u>Occasional use notices</u>          Where there is betting on a track on up to eight days in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. A track includes a horse race course, dog track and temporary tracks for races or sporting events.</p>

## APPENDIX B – GAMING MACHINES

There are four classes of gaming machines, the current maximum stakes and prizes are as shown below. These may be amended by the regulations from time to time.

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

The premises licence or permit will state the maximum number and category of machines allowed, as prescribed under the Act.

**PERMITTED NUMBER OF GAMING MACHINES AND CATEGORY  
DEPENDING ON THE NATURE OF THE PREMISES OR PERMIT**

Premise type	Machine category						
	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large casino (machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D within the total limit of 150 (subject to table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D within the total limit of 80 (subject to table ratio)						
Pre-2005 Act Casinos (no machine/table ratio)	Maximum of 20 machines categories B to D or C or D machines instead						
Betting premises and tracks occupied by Pool Betting	Maximum of 4 machines categories B2 to D						
Bingo Premises				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 or B4		No limit 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
Club or miners' welfare institutes with permits				Maximum of 3 machines in categories 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 as specified on permit	
Travelling fair							No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

### Appendix C: Table of delegations of licensing functions

MATTER TO BE DEALT WITH	FULL COUNCIL	COMMITTEE	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X			
Policy not to permit casinos	X			
Fee Setting – when appropriate		X		
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission.
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence			X	
Application for a club gaming/club machine permits			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits, in particular gaming machines in alcohol premises, and prize gaming			X	X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	