



**BOROUGH OF  
BROXBOURNE**  
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**BOROUGH OF BROXBOURNE**

**GAMBLING ACT 2005**

**STATEMENT OF PRINCIPLES**

**2022 - 2025**

# BOROUGH OF BROXBOURNE

## STATEMENT OF PRINCIPLES

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This Statement of Licensing Policy was approved by the Council on 22 February 2022 and is effective from 1 April 2022.

All references to the Guidance refer to the Gambling Commission’s Guidance to Licensing Authorities.

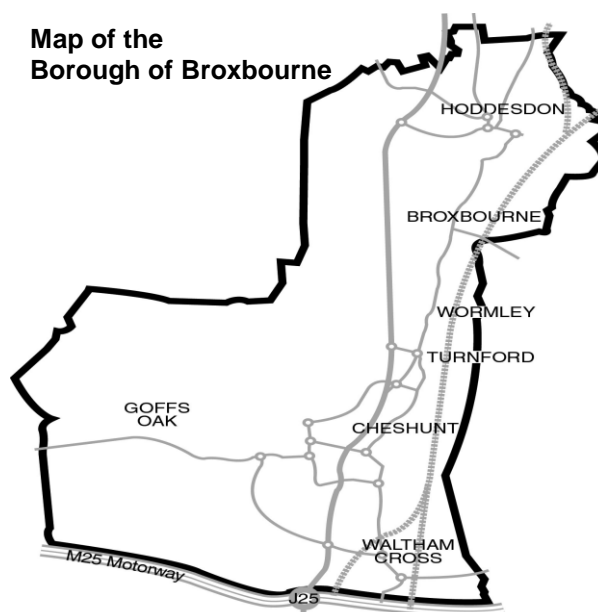
## Introduction

Broxbourne Borough Council (the Council) is the licensing authority under the Gambling Act 2005 (the Act) for the Borough of Broxbourne. The Act requires the Council to publish a statement of principles that it will apply when exercising its functions under the Act, commonly known as a statement of policy (the “statement”). The purpose of this document is to satisfy that requirement.

The statement sets out the Council’s general approach to the exercise of its functions. It does not override the right of any person to make an application under the Act and to have that application considered on its own merits. Nor does it undermine or preclude the right of any responsible body or interested party to make representations or an application to seek a review of a licence. In producing this statement the Council had regard to the licensing objectives, guidance issued by the Gambling Commission and responses from those consulted.

## The Borough of Broxbourne

The Borough of Broxbourne is situated in the County of Hertfordshire, which contains ten district councils in total. The Council area has a population of 99,000 (ONS population estimate). The Borough is situated in the south-east corner of the County, immediately to the north of Greater London. With an area of 52 square kilometres the Borough is one of the smallest in the County. The Borough is a mixed urban and rural area. The largest towns are Cheshunt, Waltham Cross and Hoddesdon. The main urban area is along the eastern side of the Borough bordering the Lee Valley Regional Park and stems out of north London and comprises of an almost continuous string of settlements incorporating Waltham Cross, Cheshunt, Turnford, Wormley, Broxbourne and Hoddesdon. To the west of the A10 London to Cambridge road the Borough is more rural in nature comprising of farmland and the village of Goffs Oak.



## The Profile of Broxbourne

The population is relatively diverse with the 2011 Census recording 82% of white British or Irish origin, and 8.2% of other white backgrounds, including well-established Italian, Polish, Ukrainian and Turkish communities and more recent arrivals from Eastern Europe. In 2011, a further 4.2% of the population were of black origin, 2.3% Asian, 2.3% mixed origin and 1% other. Evidence suggests that since the 2011 Census the population has become more diverse.

The average age of the population is increasing, as in the rest of the UK. During the five years from 2020 to 2025, the number of residents aged 75 and over is expected to increase by 17% compared to a 3% increase for the population of the Borough overall (ONS).

In general, the health of Broxbourne residents is good. Life expectancy for a baby born between 2015 and 2017 is 85 for a girl and 81 for a boy (ONS). This is above the average for England. However, health issues associated generally with lifestyle restrict the number of healthy years that residents enjoy. It is estimated that 70% of the adult population is overweight, which is significantly above the average for England at 62% overall (2017/18, Public Health England). Repeated surveys by Sport England have shown that a significant proportion of Broxbourne residents are physically inactive, achieving less than 30 minutes of physical activity or sport each week.

## **Gambling as an Activity**

'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery:

- 'gaming' means playing a game of chance for a prize
- '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
- 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.

Private gaming 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. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

## **The Gambling Commission**

The Gambling Commission ("the Commission") regulates gambling in the public interest by keeping crime out of gambling; ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

The Commission has issued guidance under section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied. The Commission also issues codes of practice under section 24 about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.

## **Consultation**

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

*Appendix 'B'* lists all the parties consulted.

In determining its policy the licensing authority will give appropriate weight to the views of those it consulted. In determining the weight of particular representations, the factors taken into account included:

- who was making the representation (what is their expertise and interest);
- what their motivation may be for their views;
- how many other people have expressed the same or similar views;
- how far the representations relate to matters that the licensing authority should be including in its policy statement.

### **Declaration**

In producing the final statement, the licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Commission, and responses from those consulted on the statement.

### **Administrative Policy Amendments**

Administrative amendments to the statement required by virtue of legislative changes or new guidance to licensing authorities issued by the Commission, will be made by the Head of Environmental Health and Licensing, in consultation with the Chairman of the Planning and Regulatory Committee, acting on behalf of the Council under the scheme of delegation in the Council's constitution.

Such amendments will be limited to those required to accurately reflect the current legislative position rather than amendments that change the focus of local policy. They will not necessitate the adoption of a new statement, nor amend the three-year period of the existing statement.

## Part A – Background

### Licensing Objectives

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

- Preventing gambling from being a source of crime and 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 Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.”

The licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Commission
- In accordance with any relevant guidance issued by the Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority’s statement of licensing policy

### Licensing Authority Functions

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 prescribed thresholds;
- issue *Prize Gaming Permits*;
- receive and endorse *Temporary Use Notices*;
- receive *Occasional Use Notices*;
- provide information to the Commission regarding details of licences issued; and
- maintain registers of the permits and licences that are issued under these functions.

The licensing authority has delegated some of its functions to the Licensing Applications Sub-Committee and to officers. These arrangements are shown in *Appendix 'C'*.

It should be noted that local licensing authorities will not be involved in licensing remote gambling. This is the responsibility of the Commission via operating licences.

### **Responsible Authorities**

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

The licensing authority 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 licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Commission's Guidance for Local Authorities, this authority designates the Hertfordshire Safeguarding Children Board at Hertfordshire County Council for this purpose.

The responsible authorities under the Gambling Act are listed at *Appendix 'A'* with their contact details, which are also available via the Council's website at:

#### [Responsible Authorities Contact Details](#)

The Council is designated as a responsible authority in addition to its role as the licensing authority.

The Council, acting as a responsible authority, will not ordinarily make representations where other responsible authorities have done so. The Council will only ordinarily make representations where:

- it has evidence that other responsible authorities do not possess
- an application conflicts with this statement or the Commission's guidance
- it can assist with the wording of licence conditions
- it acts on behalf of persons who are not in a position to act for themselves (for example, persons who have a genuine fear of reprisals should they make a representation and their details and/or evidence become public information)

The only representations that are likely to be relevant are those that relate to the licensing objectives, or that raise issues under the licensing policy or the Commission's guidance or codes of practice. Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally take into account representations which are deemed to be irrelevant, such as:

- there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- the premises are likely to be a fire risk (because public safety is not a licensing objective)
- the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- the premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. It should be noted that, unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be addressed under other relevant laws).

Each representation will, however, be considered on its own merits. Where a responsible authority or interested party (see below) makes a representation relating to one of the licensing objectives in respect of an application for a premises licence, the licensing authority must hold a hearing.

### **Interested Parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:

“a person is an interested party 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 application 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).”

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Commission’s Guidance for Local Authorities;
- The statement in the Guidance "has business interests" will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices;
- Interested parties can include trade associations and trade unions, and residents’ and tenants’ associations provided that they can demonstrate that they represent someone who can be classed as an interested person under the terms of the Act;
- Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected;
- Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities



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

- In determining whether someone lives sufficiently close to a particular premises likely to be affected by the authorised activities, or has business interests likely to be affected, the Council may take account of:
  - the size of the premises;
  - the nature of the premises;
  - the nature of the authorised activities being proposed;
  - the distance of the premises from the person making the representation;
  - the characteristics of the complainant (including any special interests or knowledge relating to the application in question);
  - the potential impact of the premises.

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

The licensing authority will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Where representations are rejected, the person making that representation will be given a written reason. A report will be made to the Licensing Applications Sub-Committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Commission or this statement. Representations regarding applications must relate to the three licensing objectives.

## **Hearings**

A Licensing Applications Sub-Committee hearing will be arranged to deal with any application that cannot be dealt with under delegated powers or otherwise resolved by agreement between the applicant and responsible authorities and/or interested parties.

The Licensing Applications Sub-Committee will be convened on the earliest possible date, having regard to legislative requirements, and will conduct a quasi-judicial consideration of the application and representations.

The Council may attach conditions to premises licences where relevant representations are received. Any condition attached to a premises licence must relate to one or more of the licensing objectives and will not ordinarily relate to matters that are subject to other existing legislative requirements.

Where an interested party has made a relevant representation about a licensed premises the licensing authority will, where appropriate, seek to arrange mediation meetings to clarify and address the issues of concern. This process will not override the right of any interested party or licence holder to decline to participate in such mediation.

## Enforcement

Licensing authorities are required to state the principles to be applied in exercising their functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The licensing authority's principles are that it will be guided by the Commission's Guidance for Local Authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

As per the Commission's Guidance for Local Authorities, the licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible. Where matters come to light which are properly the role of other statutory agencies however, the licensing authority may bring those matters to the attention of those other agencies where appropriate.

The licensing authority will adopt and implement a risk-based inspection programme based on:

- the licensing objectives;
- relevant codes of practice;
- guidance issued by the Commission; and
- the principles set out in this statement.

The licensing authority will also, as recommended by the Commission's Guidance for Local Authorities, adopt a risk-based inspection programme in line with the principles of the service enforcement policy agreed in June 2009 for enforcement under the Licensing Act 2003 (a copy of the policy is available on the Council's website).

The main enforcement and compliance role for the licensing authority in terms of the Gambling Act is to ensure compliance with the premises licences and other permissions which it authorises. The Commission will be the enforcement body for the operating and personal licences.

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

## Exchange of Information

Licensing authorities are required to state 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 Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that the licensing authority applies is that it will act in accordance with the provisions of the Gambling Act in its exchange of information which includes the provision that data protection legislation will not be contravened. The licensing authority will also have regard to any guidance issued by the 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 Gambling Act.

## **General Principles**

Set out below are the general principles that the licensing authority will follow:

- In carrying out its licensing functions the licensing authority will have regard to any guidance issued by the Commission.
- The licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
  - in accordance with any relevant code of practice issued by the Commission;
  - in accordance with any relevant guidance issued by the Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement.
- The licensing authority would however, expect all applicants to meet the licensing objectives.
- To ensure the licensing objectives are met the Council will establish a close working relationship with the police, the Commission and, where appropriate, other responsible authorities.
- The licensing authority will have regard to the licensing objectives as set out in section 1 of the Act when exercising its functions.
- These objectives are not the same as those in the Licensing Act 2003. In particular they do not include considerations in relation to public safety or prevention of public nuisance.
- Premises licences will be subject to the requirements set out in the Gambling Act and regulations, as well as specific mandatory and default conditions 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.
- As per the Commission's Guidance for Local Authorities, moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.
- When determining applications the licensing authority will not, and cannot, have regard to the expected demand or the need for gambling premises.
- The licensing authority will give consideration to the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children when considering applications for premises licences, permits and other permissions and when determining whether to review a licence. However, each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, this will be taken into account.

- The licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise. The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.
- There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not intend to (and indeed, cannot) use the Act to deal with general nuisance issues, for example, parking problems, which can be dealt with using other powers.
- Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance *and it can be shown that gambling is the source of that disorder*. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the licensing authority may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm from gambling, especially where it receives representations to that effect. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- As regards the term "vulnerable persons" it is noted that the 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 whose gambling is 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."
- Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- The Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.
- The overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits. When applying these principles the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case. As with the Commission, the licensing authority will regulate gambling in the public interest.

- The licensing authority will seek to process all premises licences and temporary use notice applications within 28 days. If in any case the application cannot be processed in this period the applicant will be notified in writing as to the reasons.
- The principles set out in this statement do not override or preclude the right of any person to make an application, make representations about an application, or apply for a review of a licence under the Act as each will be considered on its own merits and according to the statutory requirements of the Gambling Act.
- The licensing authority acknowledges the duties, requirements and obligations placed on it in respect of the application of this statement as a public body and the statutory duty to consider the following legislative requirements:
  - (i) Crime and Disorder Act 1998  
Local authorities are required to have regard to the crime and disorder implications of any decision it makes.
  - (ii) Human Rights Act 1998  
Local authorities are required to implement the Act in a manner consistent with the Human Rights Act 1998.
  - (iii) Equality Act 2010  
Local authorities are required to implement the Act in a manner consistent with its responsibilities to consider the equality implications of any decision it makes.

### **Protecting Children, Young People and Adults at Risk**

The Council believes that all licensed premises have a responsibility to ensure that safeguarding is a key priority for all businesses in respect of staff, customers and any person in the vicinity of the premises.

All business owners and management should sufficiently understand safeguarding matters including, but not limited to:

- gangs and knife crime;
- county lines;
- modern day slavery;
- child sexual exploitation;
- supply, distribution or taking of illegal substances;

to enable them to spot warning signs of any safeguarding matter and know who to report it to. Information and training materials can be found on the websites of Hertfordshire County Council and Hertfordshire Police.

Applicants and licence holders are encouraged to ensure that suitable management controls are in place to address potential safeguarding concerns. Measures could include, but would not be limited to:

- awareness training for staff, including indicators to look out for;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable persons;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police;

- implementing suitable safeguarding policies and procedures.

## **Safeguarding Against Child Sexual Exploitation**

The Council acknowledges that child sexual exploitation (CSE) awareness does not just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises. Applicants and licence holders should be equally aware of children in the proximity of the premises that may be waiting for, or seeking older persons.

Applicants and licence holders are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:

- awareness training for staff;
- 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.

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 several 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.

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.

The Hertfordshire Safeguarding Children Board (HSCB) has a dual role in respect of preventing CSE within licensed premises. The HSCB is a responsible authority under the Act having been nominated by the Council to undertake this function. The HSCB also monitors compliance with the statutory requirements under section 11 of the Children Act 2004 to safeguard and promote the welfare of children. Further information for applicants is available by contacting the Board.

The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in the local risk assessment (see below).

## **Part B – Premises Licences**

### **General Principles Relating to Premises Licences**

Anyone applying to the Council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

### **Decision making**

Licensing authorities are able to request any information from an operator they may require to make licensing decisions. The Gambling Act requires a minimum level of information to be provided but the Commission states in its Guidance to Licensing Authorities that this does not preclude reasonable requests from licensing authorities for any additional information they may require to satisfy themselves their decisions accord with the licensing objectives and Codes of Practice. The Commission's Guidance states this may include, for example, a business plan or the operator's own risk assessment with regard to licensing objectives at a local level.

Premises licences will be subject to the requirements set out in the Gambling Act and regulations, as well as specific mandatory and default conditions 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.

### **Risk Assessment**

The licensing authority expects applicants to have a good understanding of the area in which they either operate or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this statement and demonstrate that in operating the premises they will promote the licensing objectives.

The Commission has introduced a Social Responsibility Code of Practice requiring operators of premises used for gambling to conduct local risk assessments and an ordinary code of practice stating that these should be shared with the licensing authority in certain circumstances.

The licensing authority expects applicants for premises licences in its area to always submit a risk assessment with their application. The risk assessment should demonstrate the applicant has considered, as a minimum:

- Local crime statistics;
- Any problems in the area relating to gambling establishments such as antisocial behaviour;
- The location of any nearby sensitive premises such as facilities used by vulnerable persons e.g. drug and alcohol addictions;
- Whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

The licensing authority has produced a Local Area Profile to help applicants in preparing their risk assessments.

Applicants should liaise with other gambling operators in the area to identify risks and consult any relevant responsible authorities as necessary.

This statement 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.

This licensing authority also notes the Commission's guidance on ensuring that betting is the primary activity of licensed premises. Gaming machines may be made available for use in licensed premises only at times when there are also sufficient facilities for betting available.

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

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

### **Definition of 'Premises'**

Premises is defined in the Act as "any place". Section 152 of the Act therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

The licensing authority takes particular note of the Commission's guidance which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also



preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

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

The guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This licensing authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case and the Commission's relevant access provisions for each premises type set out in its guidance.

### **Premises Ready for Gambling**

The Commission's guidance states that a licence to use a premises for gambling should only be issued by the licensing authority where it can be satisfied that the premises are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling; and
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this licensing authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

*Applications and plans* – The Act (section 51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

## Location

The licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Commission's guidance, this licensing authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Each individual case will be decided on its own merits having regards to the licensing objectives.

## Duplication with Other Regulatory Regimes

The licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished building, this licensing authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Those matters should be dealt with under the relevant planning control and building regulation powers. Furthermore fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

## Licensing Objectives

The granting of premises licences must be reasonably consistent with the licensing objectives. The licensing authority has considered the 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* - The licensing authority is aware that the Commission takes a leading role in preventing gambling from being a source of crime. The Commission's guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Act's provisions.
- *Ensuring that gambling is conducted in a fair and open way* - The licensing authority has noted that the Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- *Protecting children and other vulnerable persons from being harmed or exploited by gambling* – The licensing authority has noted the Commission's guidance which states

that this objective means preventing children from taking part in gambling as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children. The licensing authority will therefore consider, whether specific measures are required at particular premises, with regard to this licensing objective. This licensing authority would encourage premises to be operated with regard to the best practice issued by organisations that represent the interests of vulnerable persons.

Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:

- betting shops cannot admit anyone under 18;
- bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines;
- Adult Entertainment Centres cannot admit those under 18;
- Family Entertainment Centres and premises with an alcohol premises licence (such as public houses) can admit under 18s, but they may not play category C machines which are restricted to those over 18;
- clubs with a Club Premises Certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines.

The licensing authority is also aware of the Commission's Codes of Practice as regards this licensing objective, in relation to specific premises.

## **Conditions**

Each type of licence may have conditions attached to it in a number of ways:

- they may attach automatically having been set out on the face of the Act;
- they may attach through regulations made by the Secretary of State;
- they may be attached to operating and personal licences by the Commission; or
- they may be attached to premises licences by licensing authorities.

Conditions may sometimes be general in nature (i.e. they attach to all licences or all licences of a particular class) or they may be specific to a particular licence. Any conditions attached to licences by the licensing authority will be proportionate and only when there is evidence of a risk to the licensing objectives will the mandatory and default conditions be supplemented. In such cases the conditions 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.

It is noted that there are conditions which the licensing authority 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 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.

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

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

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

### **Door Supervisors**

Consideration will be given as to 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. Each application will be considered on its own merits and if door supervisors are considered necessary appropriate conditions will be placed at the time.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

## **Casinos**

The licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act, but is aware that it has the power to do so. Should the licensing authority decide in the future to pass such a resolution, it will update this statement.

## **Betting Premises**

Anyone wishing to operate a betting office will require a betting premises licence from the Council. The Council has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. The number of gaming machines that a betting premises licence holder may make available for use is determined by statute and is currently four of a specific category.

When considering the number/nature/circumstances of betting machines an operator wants to offer the licensing authority will 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 or by vulnerable people. Each application will be considered on its own individual merits.

## **Bingo Premises**

Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Commission.

The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo. Commercial bingo halls will require a bingo premises licence from the licensing authority. Amusement arcades providing prize bingo will require a prize gaming permit from the licensing authority.

Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in Section 275 of the Act are complied with.

Children and young people are allowed to enter bingo premises provided that they do not participate in gambling, other than on category D machines. Where category C or above machines are available for use these must be separated from areas where children and young people are allowed.

## **Adult Gaming Centres**

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

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures / licence conditions may cover issues such as:

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

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

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

The licensing authority 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 licensing authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The licensing authority will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures / licence conditions may cover issues such as:

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

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

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

### **Travelling Fairs**

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

The 27-day statutory maximum for the land being used as a fair is per calendar year, and 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.

## **Tracks**

The licensing authority is aware that tracks (sites where races and other sporting events take place) may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Commission's guidance, the licensing authority will especially consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

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

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

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

*Betting machines* - The licensing authority will, as per the Commission's guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

The licensing authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on tracks 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.

## **Provisional Statements**

Developers may wish to apply to this licensing authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that:

- they expect to be constructed;
- they expect to be altered; or
- they expect to acquire the right to occupy.

Such applications are dealt with in the same manner as applications for premises licences. Once the premises are constructed, altered or acquired the holder of a provisional statement may apply for the necessary premises licence. The guidance from the Commission states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

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

- which could not have been raised by objectors at the provisional licence stage; or
- which in the licensing authority's opinion reflects a change in the operator's circumstances.

This licensing authority has noted the Commission's guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

## **Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities. 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:

- frivolous;
- vexatious;
- will certainly not cause this licensing authority to wish to alter/revoke/suspend the licence;
- is substantially the same as previous representations or requests for review;
- in accordance with any relevant code of practice issued by the Commission;



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

The licensing authority can initiate a review of a licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. The period begins seven days after the application was received by the licensing authority, who will publish notice of the application within seven days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- add, remove or amend a licence condition imposed by the licensing authority;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in Section 153 of the Gambling Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of 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.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

## **Delegation of Functions**

Set out in *Appendix 'C'* are the delegations under the Gambling Act made by the Council to be exercised respectively by the Council itself, the Licensing Applications Sub-Committee and officers.

## **Part C – Permits, Temporary and Occasional Use Notices**

### **1. Unlicensed Family Entertainment Centre (FECs) Gaming Machine Permits**

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

The Gambling Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Commission's guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues."

The guidance also states that an application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:

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

It should be noted that a licensing authority cannot attach conditions to this type of permit.

#### **Statement of Principles – Permits on Unlicensed FEC's**

The licensing authority 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 appropriate 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, or children causing perceived problems on / around the premises. The licensing authority will also expect, as per the Commission's guidance, that applicants 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.

### **2. (Alcohol) Licensed Premises Gaming Machine Permits**

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

- the provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the 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 two machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance from the Commission issued under Section 25 of the Gambling Act, and “*such matters as they think relevant.*” The licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include: the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence. It should be noted that the licensing authority 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 Commission about the location and operation of the machine.

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

The licensing authority may prepare a statement of principles that they propose to apply in exercising their functions which may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit.

Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing none of the gambling facilities at the fair amount to more than ancillary amusement. Children and young people may participate in equal chance gaming only.

The licensing authority has prepared a statement of principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

- that the gaming offered is within the law; and
- that they have clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Commission guidance.

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

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

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

Members clubs and miners' welfare institutes (but not Commercial Clubs) may apply for a club gaming permit or a club 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.

Guidance states that members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be permanent in nature, not established to make commercial profit and controlled by its members equally.

Licensing authorities may only refuse an application on the grounds that:

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

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

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

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

## **5. Temporary Use Notices**

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Commission, would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or a company holding a relevant operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this statement the relevant regulations state that 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 winner, which in practice means poker tournaments.

Section 218 of the Act refers to a "set of premises" and provides that a set of premises is the subject of a temporary use notice if "any part" of the premises is the subject of the notice. This is not the same as the references to "premises" in Part 8 of the Act. The reference to "a set of premises" prevents one large premises from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.

The licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises as recommended in the Commission's Guidance to Licensing Authorities.

## **6. Occasional Use Notices**

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

## **7. Small Society Lotteries**

Under the Gambling Act, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. The Council will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:

- (i) licensed lotteries (requiring an operating licence from the Commission); or
- (ii) exempt lotteries (including small society lotteries registered with the Council).

Exempt lotteries are lotteries permitted to run without a licence from the Commission and are defined as:

- small society lotteries;
- incidental non-commercial lotteries;
- private lotteries;
- private society lottery;
- work lottery;
- residents' lottery;
- customers' lottery.

Advice regarding the definitions of an exempt lottery is available from the Commission's website.

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

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

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

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

## Appendix 'A' – Responsible Authorities

Environmental Health  
Borough of Broxbourne  
Borough Offices  
Bishops College  
Churchgate  
Cheshunt  
Herts EN8 9XQ

Hertfordshire County Council  
Hertfordshire Safeguarding Children Board  
Room 127  
County Hall  
Hertford  
Herts  
SG13 8DE

The Licensing Officer  
Hertfordshire Constabulary  
Cheshunt Police Station  
101 Turners Hill  
Cheshunt  
Herts  
EN8 9BD

Fire Protection Manager  
Fire Protection  
Hertfordshire County Council  
Mundells MU103  
Welwyn Garden City  
Hertfordshire  
AL7 1FT

Planning Section  
Borough of Broxbourne  
Borough Offices  
Bishops College  
Churchgate  
Cheshunt  
Herts EN8 9XQ

Director of Licensing and Compliance  
The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

National Registration Unit (Betting and  
Gambling)  
HM Revenue and Customs  
Excise Processing Teams  
BX9 1GL  
United Kingdom

The Licensing Authority (acting as a  
responsible authority)  
The Licensing Office  
Borough of Broxbourne  
Borough Offices, Bishops' College  
Churchgate  
Cheshunt  
Herts EN8 9XQ

## **Appendix 'B' – Consultees**

The Licensing Authority has consulted with the following interested parties:

The Chief Officer of Police

One or more persons who appear to the licensing authority to represent the interests of persons carrying on gambling businesses in the licensing authority's area

One or more persons who appear to the licensing authority to represent the interests of persons who are likely to be affected by the exercise of the licensing authority's functions under the Gambling Act 2005

Responsible Authorities under the Gambling Act 2005

Premises licence and club premises certificate holders under the Licensing Act 2003 affected by this statement

All local existing gambling premises licence and permit holders in the Borough

Association of British Bookmakers

British Amusement Catering Trade Association

British Association of Leisure Parks, Piers and Attractions

Business in Sport and Leisure

Director of Public Health, Hertfordshire

GamCare

The Bingo Association

Members of the public (via the Council's website and social media)

Local neighbouring authorities



## Appendix C – Delegations

The licensing authority will delegate its functions under the Gambling Act 2005 as follows:

Matter to be dealt with	Full Council	Licensing Applications Sub-Committee	Head of Environmental Health and Licensing
Final Approval of 3 year Gambling Statement of Principles	<b>X</b>		
Policy not to permit Casinos	<b>X</b>		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/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 representations received/have been withdrawn
Review of a premises licence		<b>X</b>	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/have been withdrawn
Cancellation of club gaming/club machine permits		<b>X</b>	
Applications for other permits			<b>X</b>
Applications for permits in alcohol licensed			<b>X</b>

premises (for any number of machines)			
Cancellation of licensed premises gaming machine permits			<b>X</b>
Consideration of temporary use notice			<b>X</b>
Decision to give a counter notice to a temporary use notice			<b>X</b>
Determination as to whether a representation is relevant			<b>X</b>
Fee Setting (within bands)	<b>X</b>		
Small society lottery registration			<b>X</b>