

**CROYDON
COUNCIL**

STATEMENT OF PRINCIPLES

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

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PLEASE CONTACT THE LICENSING TEAM ON 020 8407 1312
OR AT licensing@croydon.gov.uk**

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

Contents

Item	Page
Part A	
1. The licensing objectives	1
2. Introduction	1
3. Declaration	2
4. Responsible Authorities	2
5. Interested parties	2
6. Exchange of information	4
7. Enforcement	5
8. Licensing authority functions	6
Part B - Premises licences	
1. General Principles	7
2. Adult Gaming Centres	12
3. (Licensed) Family Entertainment Centres	12
4. Casinos	13
5. Bingo premises	13
6. Betting premises	14
7. Tracks	15
8. Travelling fairs	16
9. Provisional Statements	17
10. Reviews	17
Part C - Permits / Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre gaming machine permits	18
2. (Alcohol) Licensed premises gaming machine permits	18
3. Prize Gaming Permits	19
4. Club Gaming and Club Machines Permits	20
5. Temporary Use Notices	21
6. Occasional Use Notices	21

This Statement of Principles was prepared at a time when a number of regulations, operating/ personal licence conditions, Codes of Practice and guidance were not yet published. Should anything in these, when published, impact upon the content of this document, it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.

PART A

1. The Licensing Objectives

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

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

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

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

2. Introduction

The London Borough of Croydon covers an area of 86.5 square kilometres and has a population of approximately 331,000. The borough is mainly urban in character, being made up of a number of district retail and commercial centres each surrounded by residential accommodation. Croydon town centre is a well defined retail and commercial area with a large number of shops and offices.

The London Borough of Croydon ('the Council') is the Licensing Authority for the purposes of the Act and is required to publish a Statement of Principles which it proposes to apply when exercising its licensing functions ('the Statement'). This Statement was approved by the full Council on 27 November 2006 and will apply for three years from 31 January 2007, this being the effective date in the legislation. The Statement may be reviewed and revised at any time subject to further consultation and subsequent re-publication.

The Council consulted widely upon this Statement and in accordance with the Act's requirements before its' final approval. A list of the persons and bodies consulted is provided below:

- The police
- Croydon Children's Safeguarding Board
- Representatives of organisations involved in gambling in the area
- local trader associations
- local residents associations
- local faith and voluntary groups/organisations

The consultation took place between 4 August 2006 and 27 October 2006 and followed the Cabinet Office Guidance on consultations by the public sector.

This document is available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/> .

The full list of comments received and details of their consideration by the Council are available by request to: The Licensing Team, Environmental, Cultural & Sports Services Department, London Borough of Croydon, Taberner House, Park Lane, Croydon or via the Council's website at: www.croydon.gov.uk .

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

3. Declaration

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

4. Responsible Authorities

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

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

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

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.croydon.gov.uk or by contacting the Council's licensing team on 020 8407 1312 or at licensing@croydon.gov.uk .

5. Interested parties

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

- a) lives sufficiently close to the premises to be likely to be affected by the authorities activities,

- b) has business interests that might be affected by the authorised activities,
or
- c) represents persons who satisfy paragraph (a) or (b)

The Council will determine whether a person is an interested party with regard to particular premises on a case by case basis and will not apply a rigid rule to its decision making. In doing so it will have regard to the below mentioned factors drawn from paragraphs 8.14 and 8.15 of the Gambling Commission's Guidance.

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

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

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

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

Interested parties can be persons who are democratically elected such as councillors and MP's. Whilst the national code of conduct for elected members (councillors) places restrictions on them appearing at and addressing licensing committee hearings, this does not prevent them from making written representations. Where the restrictions apply, councillors would need to request that someone else, other than another councillor, actually appeared at the hearing to address the committee on their behalf. Effectively, with regard to applications and representations under the Gambling Act 2005, councillors and MP's are bound by the same rules as they are under the Licensing Act 2003. Further advice can be obtained on this point by contacting the Council's licensing team on 020 8407 1312 or at licensing@croydon.gov.uk. If an MP/councillor is asked to represent an interested person at a hearing, no specific evidence of being asked to represent that interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be

affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. Again, if there are any doubts then please contact the licensing department on 020 8407 1312 or at licensing@croydon.gov.uk.

6. Exchange of Information

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

The Gambling Commission's Guidance for local authorities refers to this matter and some relevant sections are:

- "As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of the applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay" (5.7).
- "Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. (Though if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.)" (5.10).
- "If it comes to the attention of licensing authorities that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes and makes it possible that the £2,000 in seven days is being exceeded, authorities should inform the Commission" (18.11).

7. Enforcement

When exercising its functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified, the Council's principles will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

A.

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

B.

- So far as possible, the Council will endeavour to avoid duplication with other regulatory regimes and aim to

C.

- Adopt a risk based inspection programme. **[NOTE: At the time of publication of this Statement the Gambling Commission had not published its risk criteria, nor were regulations such as mandatory/default conditions published nor Codes of Practice. The Gambling Commission is working to produce a risk model for premises licences and this authority will consider using that model once it is made available.]**

The main enforcement and compliance role for this Council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission.

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

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

For the purposes of transparency, this Council's enforcement/compliance protocols/written agreements will be available upon request to the licensing department on 020 8407 1312 or at licensing@croydon.gov.uk. Our risk methodology will also be available upon request.

8. Licensing Authority functions

As required under the Act, this Council will:

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

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

PART B PREMISES LICENCES

1. General Principles

Premises licences will be subject to the requirements 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.

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

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

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

Definition of "premises" - Premises is defined in the Act as "any place". 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 Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This Council takes particular note of the Gambling Commission's Guidance for local authorities and will:

- 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, 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.
- pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Before granting such applications it will consider specific issues such as whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. However, an overriding consideration will be whether, taken as a whole,

the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

This Council does however recognise that the main criteria to consider is whether or not the premises can be adequately controlled to ensure the three licensing objectives are met.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This Council agrees with the Gambling Commission 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. The Gambling Commission emphasises that requiring the building to be complete will ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

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 be. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Therefore, this Council will consider very carefully applications for premises licences in respect of certain gambling premises located very close to, for example, a school or centre for vulnerable adults. It should be noted that this does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Duplication with other regulatory regimes - This Council 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, however, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

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

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This Council is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling 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. 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, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that licensing authorities would generally not be expected to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. However its role with regard to tracks is explained in more detail at paragraph 7.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority notes that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include:

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

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises. For example, this authority is aware of the British Beer & Pub Association Code of Practice (BBPA) concerning the social use of gaming machines in pubs, clubs and amusement arcades to protect the interests of children and vulnerable people and that the Gambling Commission may produce its' own code of practice with regard to these matters. The BBPA code requires that all gaming machines in pubs, clubs and arcades shall:

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

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

Should a practical definition prove possible in future then this policy statement will be updated.

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

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

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

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

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

This 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 Gambling 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 government expects to issue regulations on the categories of gaming machines, with the maximum stakes and prizes that will apply, but the current proposals are as follows:

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£35
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

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

It is noted that there are conditions which the 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 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

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

Where operators and licensing authorities decide that supervision of entrances/machines is appropriate for particular cases, it will need to be decided whether these staff need to be Security Industry Authority (SIA) licensed or not. Furthermore, if a person carries out 'door supervisor' duties but is exempt from the requirement to be licensed by the SIA, the Council will

expect that person to be trained to a nationally recognised standard and be able to show that they have undergone relevant and appropriate police records checks. Door supervision will not, however be seen in isolation as the only remedy for concerns and the Council will consider other options, if considered appropriate, to achieve the licensing objectives.

2. Adult Gaming Centres

This 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.

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

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

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

3. (Licensed) Family Entertainment Centres

This 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, 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.

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

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

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

This licensing authority will, as per the Gambling 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. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the full Council.

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

The Gambling Commission has stated that "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 casino premises" (Gambling Commission Guidance for local authorities - 17.30). This guidance will be considered by this licensing authority when it is made available.

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

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

"It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate 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 the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.”(18.4)

This licensing authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

6. Betting premises

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

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

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

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

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

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

7. Tracks

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

This Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Children and young persons will be permitted to enter track areas where facilities for betting are provided but they should be prevented from entering areas where gaming machines (other than category D machines) are provided.

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

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

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

Gaming machines on tracks - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

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

Condition on rules being displayed – This Council may attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

Applications and plans - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but to ensure that it gains a proper understanding of what it is being asked to licence it will require applicants to include detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

This licensing authority also considers that it would be preferable for all self-contained premises operated by off-course betting operators on track 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.

8. Travelling Fairs

It will fall to this 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.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

This licensing authority notes the Guidance from the Gambling Commission which states that “it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.

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

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

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

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

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the 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, in that the request is:

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

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

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

PART C
Permits / Temporary & Occasional Use Notice

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

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

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

An application for a permit may be granted only if the 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. The Council may ask applicants to demonstrate:

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

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

This licensing authority has not currently adopted a Statement of Principles. Should it decide to do so it will be available from the licensing department. Potential applicants / other interested persons are advised to check with the licensing department as to whether a policy has been adopted.

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

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

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

relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);

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

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority 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 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 being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the 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. Each application for more than 2 gaming machines in licensed premises shall, therefore be dealt with on its merits.

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.

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 Gambling Commission about the location and operation of the machine.

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

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to apply in exercising their functions under this Schedule which may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit. It is proposed that any statement regarding Prize Gaming Permit applications be appended to this main statement of principles.

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

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

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

Though there are conditions in the Gambling Act 2005 with which the permit holder must comply the licensing authority cannot attach its own conditions.

The conditions in the Act are:

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

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

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

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

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003

(Schedule 12 paragraph 10). Under this procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. However an application under the process may be refused due to the fact that:

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

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

5. Temporary Use Notices

The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Council will look at, amongst other things, the ownership/occupation and control of the premises. The Council may object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

6. Occasional Use Notices

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

NOTE:

Information regarding this Statement of Principles and the Gambling Act 2005 in general can be obtained from:

The Licensing Team, Environmental, Cultural and Sports Services Department, London Borough of Croydon, Taberner House, Park Lane, Croydon, CR9 3JS.

E-mail: licensing@croydon.gov.uk or telephone 020 8407 1312.

Information about the Gambling Act 2005 can also be obtained from the Gambling Commission website at www.gamblingcommission.gov.uk or the Department of Culture, Media and Sport website at www.culture.gov.uk