

EXTRAORDINARY COUNCIL

—Agenda—

29 NOVEMBER 2006

<u>ITEM</u>		<u>PAGE</u>
1	APOLOGIES FOR ABSENCE	
2.	MAYOR'S ANNOUNCEMENTS (IF ANY)	
3.	DECLARATIONS OF INTEREST	
3.1	If a Councillor has any personal or prejudicial interest in a particular report they should declare an interest.	
3.2	A Councillor should not take part in the discussion or vote on a matter in which they have a prejudicial interest. They should withdraw from the meeting whilst the matter is under consideration unless the disability to participate has been removed by the Standards Committee, or unless a relevant exemption applies under the Council's Code of Conduct.	
4.	REPORTS & MOTIONS	
	To consider and determine the following :	
4.1	<u>Gambling Act 2005 - The Council's Statement Of Gambling Principles</u>	
	Covering report	
	Appendix 1 - Statement of Gambling Principles	
	Appendix 2 – Summary of responses	

29 NOVEMBER 2006

**DEPUTY LEADER &
CABINET MEMBER
FOR ENVIRONMENT**

*Councillor Nicholas
Botterill*

**CABINET MEMBER
FOR CRIME AND
ANTISOCIAL
BEHAVIOUR**

Councillor Greg Smith

**GAMBLING ACT 2005 – COUNCIL'S
STATEMENT OF GAMBLING PRINCIPLES**

Synopsis

This report seeks approval for the Council's Statement of Gambling Principles and the introduction of a 'no casino' resolution, which has now been publicly consulted upon.

The Act requires the Local Authority, as the Licensing Authority, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the statement applies.

Full Council must approve this Statement of Principles by 3 January 2007.

Once approved, the Statement of Principles will be the key document which the Licensing Authority and Licensing Sub-Committee will use to assist in the determination of gambling premises licence applications.

WARDS

ALL

CONTRIBUTORS

DEnvD
Finance
Legal Services

RECOMMENDATIONS:

1. That Council approves and adopts the Statement of Gambling Principles set out in Appendix 1, that it be published, and that the Director of Environment be authorised to make minor amendments or any changes arising from the publication of secondary legislation and guidance.
2. That Council approves and adopts a 'no casino' resolution.

1.0 Introduction

- 1.1 The Gambling Act 2005 (to be referred to as 'the Act') creates a new system of licensing and regulation for commercial gambling in this country. It gives Local Authorities new and extended powers for licensing premises for gambling, in some cases (including betting, casino gaming and bingo) it transfers from the jurisdiction of the Magistrates Court to the Local Authorities. Other powers build on existing local authority responsibilities in relation to premises such as gaming machine arcades.
- 1.2 The Act introduced a unified regulator for gambling in Great Britain, the Gambling Commission, and a new licensing regime for commercial gambling to be conducted by the Commission or by Licensing Authorities dependant on the matter to be licensed. The only exceptions are spread betting (regulated by the Financial Services Authority), remote gambling (regulated by the Gambling Commission) and the National Lottery (regulated by the National Lottery Commission). The Gambling Commission and the Licensing Authority will share responsibility for all matters previously regulated by the Magistrates Court.
- 1.3 The Gambling Commission will be responsible for granting operating and personal licences for commercial operators and personnel in the industry. Whilst the Licensing Authority will issue premises licences for:
- Betting offices and race tracks
 - Bingo clubs
 - Adult gaming centres
 - Family entertainment centres

And permits for:

- Gaming machines in alcohol-licensed premises, such as pubs
 - Gaming machines for members clubs
 - Gaming in members clubs
 - Family entertainment centres not licensed to sell alcohol (category D machines only – i.e. those that have the lowest level of stakes and prizes)
 - Occasional and temporary use notices
 - Provisional statements
- 1.4 In exercising most of the Council's functions under 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 people from being harmed or exploited by gambling.

1.5 Section 153 of the Act requires that, in making decisions about premises licences and temporary use notices the council shall 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
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives
- In accordance with the authority's Statement of Gambling Principles.

2.0 Statement of gambling principles

2.1 Licensing Authorities are required to prepare and publish every 3 years a Statement of Gambling Principles, which they propose to apply when exercising their functions under the Act. It can be reviewed and republished during the three year period in which it has effect. Appendix 1 sets out the Statement of Gambling Principles proposed to be adopted by this Council.

2.2 Whilst the Licensing Authority must have regard to this statement of principles it does not have to follow it to the letter, but the expectation is that there should be strong defensible reasons for departing from it.

2.3 The Act sets out requirements as to the form and publication of the statement and includes detailed requirements on persons to consult. This has been carried out and followed.

2.4 The Act comes fully into force in September 2007. The Statement of Principles has to be published by the 3 January 2007.

2.5 There are provisions under the Act for the Licensing Authority to attach conditions to a licence which relate to one of the three licensing objectives. Each application shall be dealt with on a case by case basis, but if it is felt that an applicant has not dealt with the provision of protecting children and vulnerable people adequately, conditions may be attached to the licence such as:

- all gaming machines are in an area of the premises which is separated from the rest of the premises by a physical barrier which is effective to prevent access other than through a specific entrance;
- only adults are allowed into the area where these machines are;
- access to the area where the machines are is supervised;
- the area where these machines are arranged must be so that it can be monitored by the staff or the licence holder;
- recognised proof of age schemes to be in place;
- at the entrance to, and inside any such areas, notices should be clearly displayed showing that people under 18 are not allowed in the area;
- the positioning of the entrance and gaming machines;
- closed circuit television to be provided;

- the requirement for door supervisors;
- specific opening hours;
- self barring schemes;
- providing information leaflets and helpline numbers for organisations such as Gamecare

3.0 'No casino' resolution

- 3.1 Section 166 of the Act states that a Licensing Authority may resolve not to issue casino premises licences. The decision to pass such a resolution may only be taken by the authority as a whole and cannot be delegated to the licensing committee. In passing such a resolution the authority may take into account any principles or matters, not just the licensing objectives. Where a resolution is passed it must be published by the authority in its three year statement of principles.
- 3.2 It is proposed that a 'no casino' policy be adopted on the basis that the borough is predominantly residential in nature and a casino would be out of character to the area. In addition, we have a thriving and diverse leisure and night time economy, presently centred around 3 town centres. We would not want to create an imbalance between these competing town centre economies and are concerned that a casino located in one would be likely to have this effect. As the town centres are located in close proximity to residential premises, a casino located in a town centre would increase the likelihood of nuisance.
- 3.3 12 out of the 23 responses received during the consultation period were positively in favour of a 'no casino' resolution. No respondents disagreed with the intention to adopt a 'no casinos resolution'

4.0 Public consultation

- 4.1 The draft Statement of Gambling Principles was approved by the Deputy Leader & Cabinet Member for Environment (Councillor Nicholas Botterill) in May 2006 for distribution for consultation.
- 4.2 Guidance states that the consultation period for this statement should be 12 weeks, however due to the Council's decision making process, and with the need to set up an Extraordinary full Council meeting, a reduced consultation period of 8 weeks was followed, from 25 July 2006 until 22 September 2006, although responses received up until 13 October 2006 have been considered. A similar process was followed for the Council's Statement of Licensing Policy.
- 4.3 The Council is obliged under the Act to consult with:
- The chief officer of police
 - The fire and rescue authority
 - The local planning authority
 - The pollution department
 - The local safeguarding children's board (LSCB)

- HM Revenue and Customs

4.4 In addition to the statutory consultees, the following were also consulted:

- Trade associations
- Residents' associations
- Ward councillors
- Businesses
- Neighbouring authorities
- Chamber of commerce
- Drug and alcohol action team
- Crime and disorder reduction partnership
- Trade unions
- Other relevant people who could be affected by this policy

4.5 Officers sent copies of the statement and a questionnaire to all of the above. The statement was publicised in the Council's Safety Review newsletter (which was sent to all licensed premises) and the local newspapers. The statement was also published on the Council's website with a downloadable questionnaire. Copies of the statement were sent to all councillors and placed in local libraries.

4.6 In total 1040 questionnaires were sent out and 23 responses were received. Of these 23 responses 11 were from resident associations/community groups and 6 were from businesses.

4.7 All responses received were date stamped, logged and filed. The majority of responses received were on the prepared questionnaire, although the trade responses were in a letter format. Each response was subsequently examined and consideration given to the comments received.

4.8 The comments received from the consultation process are set out in Appendix 2.

5.0 Number of premises within the borough

5.1 There are approximately 135 premises in the borough that have a gaming permit, 23 of these were issued by the Council, and the rest were issued by the Magistrates Court, these will have conversion rights under the Act.

5.2 In 2005 we had issued the following number of registrations:

- 3 track betting
- 2 pool betting
- 39 lotteries
- 13 amusements with prizes

5.3 The following will come under our jurisdiction under this Act:

- 59 betting shops
- 1 bingo premises

6.0 Comments of Head of Legal Services

6.1 S. 349 of the Gambling Act 2005 requires the Council as a gambling authority to prepare and publish a Statement of the principles that it will apply in exercising its functions under the Act for successive three year periods from 31st January 2007. This must be in place at least 28 days before 31st January 2007. Regulations made under the Act prescribe a process for publicity and consultation and these requirements have been complied with. Similarly the statement of principles complies with the requirements of the regulations. The statement of principles must be adopted by full Council.

6.2 As explained in the body of the report the Council may pass a no casino's resolution should it consider that such a resolution is appropriate.

6.3 In considering this matter, Council needs to consider all relevant matters which are summarised in the report and in particular the results of the consultation exercise.

7.0 Comments of Director of Finance

7.1 The financial implications relating to the recommendations of this report are confined to the costs of the consultation exercise that have been contained within existing budgets.

7.2 In terms of the implementation of the act itself, it is clear that there will be both expenditure and income considerations. The Council, as licensing authority will have a broader remit in respect of the number of premises it becomes responsible for, and the level of contact. At this stage, without detailed guidance on its implementation, it is not possible to estimate the additional workload, but it is not believed that this will be significant. Similarly no information is yet available as to the level of charges that will apply, so it is not possible to quantify the impact on income. These will be reported to members at the appropriate time.

LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	The Gambling Act 2005	Julia Sawyer X3951	H&S&Licensing
2.	The Guidance to Licensing Authorities April 2006	Julia Sawyer X3951	H&S&Licensing
3.	LACORS policy statement template version 4 published March 2006	Julia Sawyer X3951	H&S&Licensing
4.	Consultation Responses	Julia Sawyer X3951	H&S&Licensing



London Borough of Hammersmith and Fulham

Statement of gambling principles

Under the Gambling Act 2005 we must publish a statement of the principles which we are going to apply in relation to gambling. This statement will apply from 31 January 2007.

We have prepared this Statement of Principles after considering the guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. We have consulted people on this policy (see page 9) and have considered any responses to the draft statement before adopting and publishing this final document.

We will review and publish this statement at least every three years, and consult people again about any amended parts.

If you would like more information, please contact us

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Contents

Section	Page
1 Introduction	7
2 The borough	8
3 General principles	11
4 Conditions	12
5 Responsible authorities	14
6 Interested parties	14
7 Reviews	15
8 Enforcement	16
9 Exchange of information	17
10 Provisional statements	17
11 Temporary use notices	17
12 Occasional use notices	18
13 Consultation	18
14 Adult gaming centres	
Family entertainment centres licensed to sell alcohol	
Bingo premises	
Betting premises	18
15 Family entertainment centres not licensed to sell alcohol	19
16 Casinos	19
17 Tracks	19
18 Travelling fairs	20
19 Gaming machine permits for premises that sell alcohol	20
20 Prize gaming permits	21
21 Club gaming and club machine permits	22
22 Glossary	23

When we published this statement of principles a number of regulations, operating and personal licence conditions, codes of practice and guidance had not yet been published. If anything affects the content of this document we will amend it as necessary. All references to the Gambling Commission's guidance for local authorities refer to the guidance published in April 2006.

1 Introduction

1.1 The Gambling Act 2005 (the Act) introduced a unified regulator for gambling in Great Britain, the Gambling Commission, and a new licensing regime for commercial gambling to be conducted by the Commission or by Local Authorities dependant on the matter to be licensed. The only exceptions are spread betting (regulated by the Financial Services Authority), remote gambling (regulated by the Gambling Commission) and the National Lottery (regulated by the National Lottery Commission). The Gambling Commission and us, the Licensing Authority, will share responsibility for all matters previously regulated by the Magistrates Court.

1.2 The Gambling Commission will be responsible for granting operating and personal licences for commercial operators and personnel in the industry. Whilst we will issue premises licences for:

- betting offices and race tracks
- bingo clubs
- adult gaming centres
- family entertainment centres

and permits for:

- gaming machines in alcohol-licensed premises, such as pubs
- gaming machines for members clubs
- gaming in members clubs
- family entertainment centres not licensed to sell alcohol (category D machines only, that is those that have the lowest level of stakes and prizes)
- occasional and temporary use notices
- provisional statements

1.3 Under the Act we must consider 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 people from being harmed or exploited by gambling

1.4 Under Section 153 of the Act, when making decisions about premises licences and temporary use notices we should allow the premises to be used for gambling if we think it is:

- in accordance with any relevant code of practice and guidance issued by the Gambling Commission

- reasonably consistent with the licensing objectives and
- in accordance with the principles set out in this document

1.5 Under the Act we must:

- be responsible for licensing premises where gambling activities are to take place by issuing premises licenses
- issue provisional statements
- regulate members' clubs and miners' welfare institutes that want to offer certain gaming activities by issuing club gaming permits or club machine permits (or both)
- issue club machine permits to commercial clubs
- grant permits for using of certain lower-stake gaming machines at family entertainment centres that are not licensed to sell alcohol
- receive notices from premises that are licensed to sell alcohol (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 or supply alcohol for people to drink on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register small society lotteries below set limits
- issue prize gaming permits
- receive and approve temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission about the licences issued (see the section above on 'information exchange')
- maintain registers of the permits and licences that we issue

2 The borough

- 2.1 Hammersmith and Fulham is one of 13 inner-London boroughs. It is situated in the centre-west of London on the transport routes between the city and Heathrow airport.
- 2.2 It is a long narrow borough running north to south with a river border at its south and south-west side. It is bordered by six London boroughs - Brent to the north; Kensington and Chelsea to the east; Wandsworth and Richmond-Upon-Thames to the south; and Ealing and Hounslow to the west. Not including the City of London, it is the third smallest London borough in terms of area, covering 1,640 hectares. It has three town centres - Shepherd's Bush, Hammersmith and Fulham.
- 2.3 Hammersmith and Fulham is made up of 16 electoral wards. These range in size from 55 hectares to 344 hectares. These areas are shown on the map on page 10.

2.4 When producing this statement we have considered:

- local crime prevention
- the licensing policy
- our planning, transport, tourism and cultural strategies
- our equality agenda


2.5 We consulted the following people before finalising and publishing this statement:

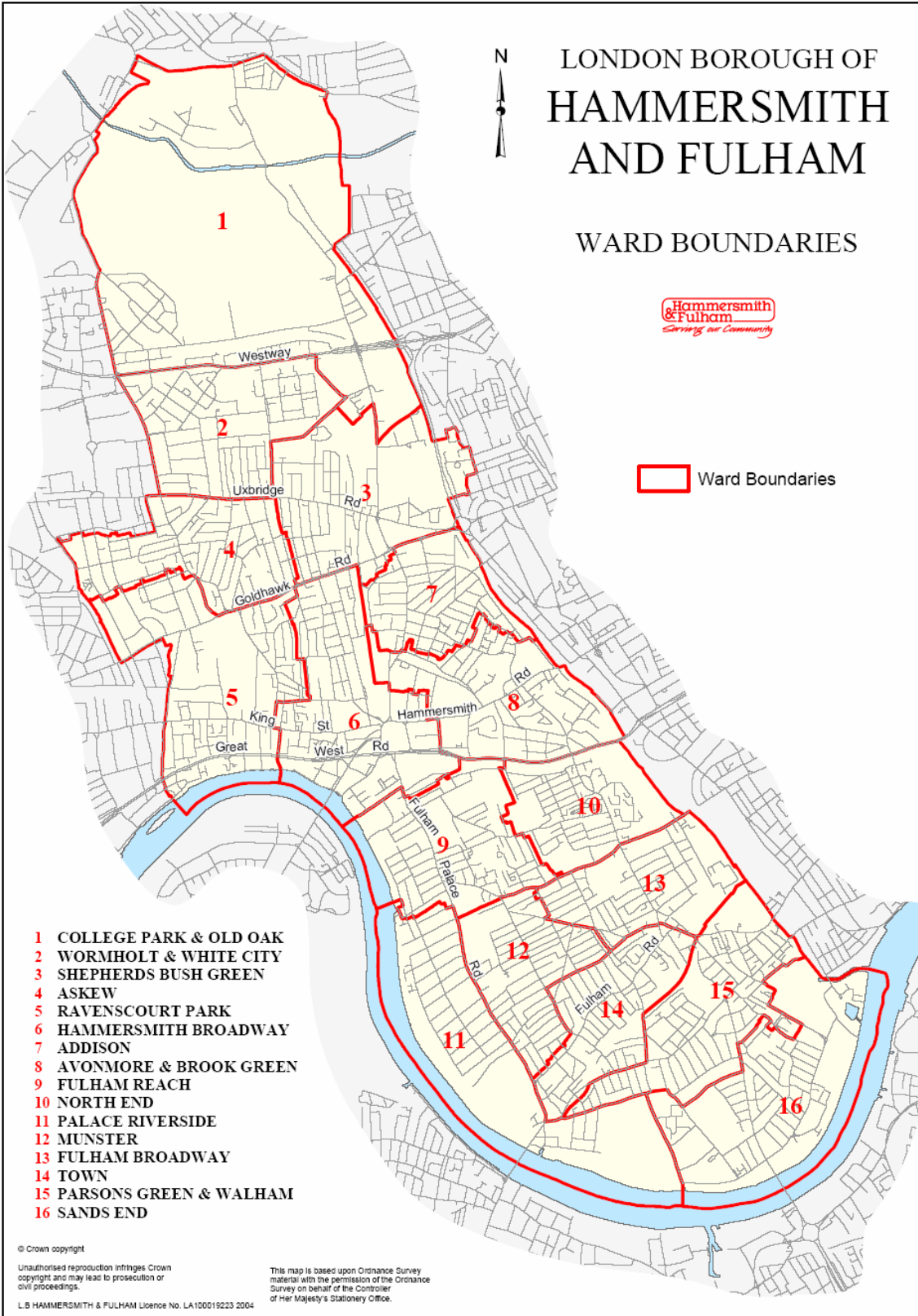
- the police
- local safeguarding childrens board (LSCB)
- trade associations
- residents' associations
- businesses
- fire authority
- ward councillors
- neighbouring authorities
- chamber of commerce
- drug and alcohol action team
- crime and disorder reduction partnership
- trade unions
- other relevant people who could be affected by this policy

LONDON BOROUGH OF HAMMERSMITH AND FULHAM

WARD BOUNDARIES



 Ward Boundaries



- 1** COLLEGE PARK & OLD OAK
- 2** WORMHOLT & WHITE CITY
- 3** SHEPHERDS BUSH GREEN
- 4** ASKEW
- 5** RAVENSCOURT PARK
- 6** HAMMERSMITH BROADWAY
- 7** ADDISON
- 8** AVONMORE & BROOK GREEN
- 9** FULHAM REACH
- 10** NORTH END
- 11** PALACE RIVERSIDE
- 12** MUNSTER
- 13** FULHAM BROADWAY
- 14** TOWN
- 15** PARSONS GREEN & WALHAM
- 16** SANDS END

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- 2.6 If you would like to see the full list of comments made on the draft statement, please contact us. Our contact details are on page 3.
- 2.7 This statement was approved at a meeting of the full council on X date and was published on our website on x date. Copies were put in the public libraries as well as being available in the town hall.
- 2.8 This statement of principles will not stop any person from making an application, making representations about an application, or applying for a review of a licence, as each will be considered on its own merits and according to the Gambling Act 2005. With the exception of casinos, see section 16, page 19.

3 General principles

- 3.1 Premises Licences will be subject to the requirements of the Act and any associated regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. We can exclude some conditions and attach others, where we consider it to be appropriate.
- 3.2 We are aware that the Gambling Commissions guidance for local authorities says that moral objections to gambling are not a valid reason to reject applications for premises licences and also that a licensing authority must not consider unmet demand when deciding an application. However, to meet the licensing objectives, we will have to consider whether a particular place is appropriate.
- 3.3 Under the Act 'premises' includes 'any place'. A single premises cannot have different premises licences operating at different times. However, it is possible for a single building to have more than one premises licence, as long as they are for different parts of the building and the different parts of the building can reasonably be considered as different premises. Whether different parts of a building can properly be considered as 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 considered to be different premises.
- 3.4 We take particular note of the Gambling Commission's guidance for local authorities which says the following:
 - 'Licensing authorities should take particular care in considering applications for more than one licence for a building and those relating to a particular part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate so that people do not 'drift' into a gambling area.

Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access, the compatibility of the two establishments and whether they meet the conditions of the Act.'

- 3.5 You cannot get a full premises licence until the premises in which you are going to offer the gambling are built. The Gambling Commission has advised that 'the premises' means the premises in which gambling may now take place. So a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Gambling Commission emphasises that making sure the building is complete means that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.
- 3.6 In line with the Gambling Commission's guidance for local authorities, we will pay particular attention to protecting children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 3.7 If any policy is developed which affects where gambling premises can be located, we will update this statement. However, any such policy will not prevent anyone from making an application and each application will be considered individually, with the exception of an application for a casino, see section 16, page 19. You will have to show how any possible concerns can be overcome.
- 3.8 We will try to avoid repeating any work already carried out under other systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. However, we will carefully consider any concerns about conditions which are not able to be met by licensees due to planning restrictions.

4 Conditions

- 4.1 Any conditions attached to licences will be lawful 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.
- 4.2 We will make decisions on individual conditions, on a case-by-case basis, although there will be a number of measures we will consider using if necessary, such as using supervisors, appropriate signs for adult-only areas and so on. We

will also expect you to offer suggestions as to how you will meet the licensing objectives effectively.

4.3 We will also consider specific measures which may be needed for buildings which have more than one premises licence. These may include supervising entrances, segregating gambling from non-gambling areas frequented by children and supervising gaming machines in non-adult gambling premises in order to pursue the licensing objectives.

4.4 Appropriate licence conditions may be:

- all gaming machines are in an area of the premises which is separated from the rest of the premises by a physical barrier which is effective to prevent access other than through a specific entrance
- only adults are allowed into the area where these machines are
- access to the area where the machines are is supervised
- the area where these machines are arranged must be so that it can be monitored by the staff or the licence holder
- recognised proof of age schemes to be in place
- at the entrance to and inside any such areas notices should be clearly displayed showing that people under 18 are not allowed in the area
- the positioning of the entrance and gaming machines
- closed circuit television to be provided
- the requirement for door supervisors
- specific opening hours
- self barring schemes
- providing information leaflets and helpline numbers for organisations such as Gamcare

4.5 These considerations will also apply to premises where more than one premises licences is needed.

4.6 We may consider whether door supervisors are needed to meet the licensing objectives of protecting children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. We may feel it necessary to add specific conditions in relation to door supervisors, particularly when the door supervisors are exempt from being SIA registered, these conditions may include:

- the need to be easily identifiable, with the persons name badge clearly on display and
- the need to have received specific training related to the task being performed.

4.7 This is in recognition of the nature of the work door supervisors carry out in terms of searching individuals, dealing with potentially aggressive people and so on.

- 4.8 For premises other than casinos and bingo premises, operators and licensing authorities may decide that entrances and machines should be supervised in particular cases, but they will need to decide whether these supervisors need to be licensed by the SIA, or not. It will not be automatically assumed that they need to be.
- 4.9 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervisor requirement for a betting shop only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

5 Responsible authorities

- 5.1 The responsible authorities as defined by the Act are listed in the glossary on page 24. You can get the contact details of all the responsible authorities under the Act from our website at: www.lbhf.gov.uk
- 5.2 We must set out the principles we will apply in exercising our powers under Section 157(h) of the Act to designate, in writing, an organisation which will be able to advise us on protecting children from harm. The principles are that the organisation must be:
- responsible for an area covering the whole of the licensing authority's area; and
 - be answerable to elected people, rather than any group with an interest in gambling.
- 5.3 We appoint the Local Safeguarding Childrens Board (LSCB) for this purpose.

6 Interested parties

- 6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. Interested parties are defined in section 158 of Act as follows:
- 6.2 "For the purposes of this part 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 applications is made, the person;
- a lives sufficiently close to the premises to be likely to be affected by the authorised activities
 - b has business interests that might be affected by the authorised activities, or
 - c represents persons who satisfy paragraph (a) or (b)"

- 6.3 Each case will be decided individually. We will not apply a strict rule when making decisions. We will consider the examples of considerations provided in the Gambling Commission's guidance for local authorities at paragraphs 8.14 and 8.15 of that guidance.
- 6.4 The Gambling Commission has recommended that we make it clear that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission guidance for local authorities 8.17). However, we will not generally view these organisations as interested parties unless they have a member who can be classed as an interested person under the terms of the Act (that is, lives close enough to the premises or has business interests) that might be affected by the activities being applied for.
- 6.5 Interested parties can be people who are democratically elected such as councillors and MP's. We won't need specific evidence of them being asked to represent an interested person as long as the councillor or MP represents the ward that is likely to be affected. Other than these however, we will generally need written evidence that a person or organisation 'represents' someone who either lives close enough to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities. We will accept a letter from one of these people, asking for the representation.
- 6.6 If people want to approach councillors to ask them to represent their views, they should be careful that the councillors are not part of the licensing committee dealing with the licence application. Councillors may be restricted in representing constituents under the members' code of conduct in cases where they have a particular interest. Please contact us if there are any doubts (our contact details are on page 3).

7 Reviews

- 7.1 Interested parties or responsible authorities can ask us to review a premises licence (see the glossary for list of relevant authorities, page 24). However, we will decide whether the review is to be carried out. Our decision will be based on whether the request for the review:
- raises an issue relevant to any relevant code of practice, any relevant guidance issued by the Gambling Commission, the licensing objectives or this statement
 - is frivolous or vexatious
 - will cause us to alter, revoke or suspend the licence
 - raises grounds that are substantially the same, or different, from grounds within an earlier request for review or from representations made in relation to the application for the premises licence.

7.2 We can also review a licence for any reason we consider to be appropriate under the legislation.

8 Enforcement

8.1 We have signed up to the regulators compliance code and will follow the principles set out in it. We will try to make sure that any enforcement action we take is:

- proportionate - regulators should only intervene when necessary solutions are appropriate to the risk posed, and costs have been identified and reduced;
- accountable - regulators must be able to justify decisions, and be open to public questioning;
- consistent - rules and standards must be put into practice fairly;
- transparent - regulators should be open, and keep regulations simple and user friendly; and
- targeted - regulations should be focused on the problem, and reduce side effects.

8.2 We will also follow a risk-based inspection programme. While the Gambling Commission's guidance suggests that we should include the criteria we will use for this, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria regulations or codes of practice. We will consider this model once available.

8.3 Once premises have been licensed it is essential that they are monitored to make sure that they are run in line with their operating schedules and with any licence conditions. It will also be important to monitor the borough for unlicensed premises.

8.4 The main enforcement role for us in terms of the Act will be to make sure that premises are used in line with the licences and other permissions which we authorise. The Gambling Commission will be the enforcement body for the operating and personal licences. The Gambling Commission will also deal with concerns about the manufacture, supply or repair of gaming machines.

8.5 We will investigate complaints about licensed premises in relation to the licensing objectives for which we are responsible for. However, to begin with you should raise the complaint directly with the licence holder or business concerned to try and find a solution.

9 Exchange of Information

- 9.1 We will act in accordance with the Act whenever information is exchanged with other people. The Act provides that the exchange of information with certain other parties will not constitute a contravention of the Data Protection Act 1998.
- 9.2 We will also consider any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 9.3 If any guidelines are produced about information exchange with other organisations then we will make them available.
- 9.4 You can find guidance on how to get information under the Freedom of Information Act or Data Protection Act on our website: www.lbhf.gov.uk

10 Provisional Statements

- 10.1 We will decide whether premises can be considered for a premises licence. The guidance issued by the Gambling Commission advises that that the building should be complete so that the authority could, if necessary, carry out a full inspection.
- 10.2 We cannot consider any more representations from relevant authorities or interested parties after we have issued a provisional statement, unless they concern matters which could not have been dealt with at the provisional statement stage, or they reflect a change in your circumstances. We may also refuse the premises licence (or grant it on terms different to those attached to the provisional statement) if the matter:
- could not have been raised by objectors at the provisional licence stage; or
 - reflects a change in the operator's circumstances.

11 Temporary-use notices

- 11.1 These allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues.
- 11.2 A temporary-use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.
- 11.3 The Secretary of State will prescribe in regulations the gambling activities that may be specified in a temporary-use notice, as well as activities that may not be and activities that may not be combined with any other.

12 Occasional-use notices

- 12.1 Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional-use notice without the need for a full premises licence.
- 12.2 We have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. We will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

13 Consultation

- 13.1 We will expect you to advertise the application in accordance with the regulations made under the Act.
- 13.2 We will carry out a consultation process in accordance with the regulations made under the Act. In exceptional circumstances we may consider it appropriate to carry out a more thorough public consultation. We will publicise details of applications received.

14 Adult gaming centres, family entertainment centres licensed to sell alcohol, bingo premises, betting premises and tracks

- 14.1 When deciding applications for a premises licence for these premises, we will consider the need to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to satisfy us that there will be enough measures in place to meet this licensing objective.
- 14.2 We will expect you to offer your own measures to meet the licensing objectives. Appropriate measures and licence conditions may include the ones listed in section 4, page 12.
- 14.3 We will have regard to the guidance issued by the Gambling Commission and will take into account the size, suitability, layout of the premises and, if relevant, the number of counters available for face-to-face transactions.

15 Family entertainment centre gaming machine permits not licensed for the sale of alcohol (statement of principles on permits - schedule 10 paragraph 7)

- 15.1 If a premises does not hold a premises licence but wants to provide gaming machines, it may apply to us, the licensing authority, for this permit. The person applying must show that the premises will be completely or mainly used for gaming machines (section 238).
- 15.2 Unlicensed family entertainment centres will be able to offer only category-D machines with a gaming machine permit. There can be any number of category-D machines with such a permit (depending on other considerations such as fire regulations and health and safety, which will not be issues for the licensing authority under the Gambling Act). Permits cannot be issued to vessels or vehicles.
- 15.3 We cannot attach conditions to this type of permit. We have not yet adopted a statement of principles for permits.

16 Casinos

- 16.1 We have a 'no casino' resolution in this borough because it is mainly residential and a casino would be out of character to the area. Also, at the moment, we have varied leisure and night-time activities around three town centres. We would not want to create an imbalance between these competing town centres.
- 16.2 The 'no casino' resolution came into effect on the same date as this statement. The resolution shall be reviewed at least every 3 years and can be revoked by resolution at anytime.
- 16.3 This means that we will not consider any applications for a premises licence for a casino. We will return any applications we receive with a notice that a 'no casino' resolution is in place.

17 Tracks

- 17.1 We are aware that tracks may need more than one premises licence and we will especially consider the effect upon the third licensing objective (that is, protecting of children and vulnerable people from being harmed or exploited by gambling).
- 17.2 We would expect you to show that suitable measures are in place to make sure that children do not have access to adult only gaming facilities. Appropriate measures and licence conditions may include the ones listed in section 4, page 12.

17.3 We will expect you to have plans that detail very clearly what you want authorisation for under the track betting premises licence and which, if any, other areas need a separate application for a different type of premises licence.

18 Travelling fairs

18.1 We will firstly consider whether you fall within the legal definition of a traveling fair.

18.2 If category-D machines or equal chance prizes are going to be available at a travelling fair, we must decide whether the facilities for gambling are no more than ancillary to the amusements at the fair.

18.3 Fairs cannot be held on a piece of land for more than 27 days a year, no matter whether it is the same or a different travelling fair using the land. We will work with our neighbouring authorities to make sure that land which crosses administrative boundaries is monitored so that the legal limits are not exceeded.

19 Gaming machine permits for premises licensed to sell alcohol- (schedule 13 paragraph 4(1))

19.1 Premises licensed to sell alcohol for people to drink on the premises, are entitled to have 2 gaming machines, of categories C or D (or both). The licensee just needs to tell us about them. We can, however, remove this entitlement if:

- the machines are not provided in line with the licensing objectives;
- gambling has taken place on the premises that breaches a condition of section 282 of the Gambling Act (that is, written notice has not been provided to the licensing authority, a fee has not been paid and any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been met);
- the premises are mainly used for gambling; or
- an offence under the Gambling Act has been committed on the premises.

19.2 If a licensee wants to have more than two machines, they need to apply for a permit and we must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under section 25 of the Act, and any other relevant conditions.

19.3 One of the licensing objectives is to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to show us that there will be enough measures to make sure that people under 18 do not have access to the adult-only gaming machines. Appropriate measures and licence conditions may include the ones listed in section 4, conditions on page 12.

- 19.4 Some alcohol licensed premises may apply for a premises licence for areas of the premises which are not licensed for selling alcohol. Any such application would most likely need to be made and dealt with as a premises licence for an adult gaming centre.
- 19.5 We can decide to grant the application with a smaller number of machines or a different category of machines than you have applied for. Conditions (other than these) cannot be attached.
- 19.6 The holder of a permit must follow any code of practice issued by the Gambling Commission about where and how the machine must be used.
- 19.7 We have not yet adopted a statement of principles for permits.

20 Prize gaming permits (statement of principles on permits - schedule 14 paragraph 8 (3))

- 20.1 Gaming is defined as prize gaming if the nature and size of the prize does not depend on the number of people playing or the amount paid for or raised by the gaming. The operator decides the price before anyone starts to play on the machines.
- 20.2 A prize gaming permit is a permit issued by us to authorise gaming facilities with prizes on specific premises.
- 20.3 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises. If the applicant is an individual, they must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises. The application must be made to the authority in whose area the premises are completely or partly situated.
- 20.4 When making our decision on an application for this permit we do not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 20.5 There are conditions in the Act by which the permit holder must follow. These are:
- the limits on participation fees, as set out in regulations
 - all chances to participate in the gaming must be offered 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 offered 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 be more than the amount set out in regulations (if a money prize), or the set value (if a non-monetary prize)
- taking part in the gaming must not entitle the player to take part in any other gambling

21 Club gaming and club machines permits

- 21.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a clubs gaming machines permit.
- 21.2 Gambling Commission guidance states: "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 the Royal British Legion and clubs with political affiliations."
- 21.3 We may only refuse an application because:
- a you do not fulfil the requirements for a members' or commercial club or miners' welfare institute and so are not entitled to receive the type of permit which you have applied for
 - b your premises are used wholly or mainly by children or young people
 - c you have committed an offence under the Act or have broken the conditions of a permit while providing gaming facilities
 - d a permit held by you has been cancelled in the previous ten years or
 - e an objection has been lodged by the commission of the police.
- 21.4 There are conditions attached to club gaming permits that no child uses a category-B or category-C machine on the premises and that the holder complies with any relevant provision of a code of practice about where and how gaming machines are used.

22 Glossary

- 22.1 **Adult gaming centre** – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines
- 22.2 **Betting premises** – a premises that may have up to four gaming machines of category-B (restricted to B2, B3 and B4), C or D
- 22.3 **Bingo premises** – a premises that may have up to four category-B machines (restricted to B3 and B4, any number of category-C machines and any number of category-D machines
- 22.4 **Categories of gambling** – regulations will define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. These are the current proposals:

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

- 22.5 **Club machines permit** - a premises will need this permit if it is a members club, a commercial club or a miners welfare institute, with up to three machines of category-B (restricted to B4), C, or D (that is three machines in total)
- 22.6 **Family entertainment centre (with commission operating licence)** – a premises that may have any number of category-C machines and any number of category-D machines. Category-C machines must be in a separate area to make sure that they are only played by adults
- 22.7 **Family entertainment centre (with gaming machine permit)** – a premises that may have any number of category-D machines. There is no power for the licensing authority to set a limit on the number of machines covered by the permit
- 22.8 **Gaming machines** – all machines on which people can gamble
- 22.9 **Occasional-use notices** - Where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an ‘occasional-use notice’ without the need for a full premises licence.

- 22.10 **Regulators compliance code** - protects the public, the environment and groups such as consumers and workers through the 'business-friendly' enforcement of regulations. It is a procedure that can be adopted by enforcement officers to help businesses and others meet their legal responsibilities without unnecessary expense while taking firm action, including prosecution where appropriate against those who break the law or act irresponsibly.
- 22.11 **Responsible authorities** - these are public organisations that must be told about applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, a premises licence. They are:
- a licensing authority in whose area the premises is completely or partly situated
 - the Gambling Commission
 - the chief officer of police or chief constable for the area in which the premises is completely or partly situated
 - the fire and rescue authority for the same area
 - the local planning authority
 - the pollution department
 - the local safeguarding childrens board (LSCB)
 - HM Revenue and Customs
- 22.12 **Temporary-use notices** - These allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues.
- 22.13 **Travelling fair** – completely or mainly providing amusements on a site that has been used for fairs for no more than 27 days in each calendar year. Any number of category-D machines may be made available but the facilities for gambling must be ancillary to the amusement at the fair

If you have any comments about this statement, please send them by e-mail or letter to us:

licensing@lbhf.gov.uk

Or

Licensing Section
Environmental Protection Division
5th floor Town Hall Extension
London Borough of Hammersmith and Fulham
King Street
Hammersmith
London
W6 9JU
Phone: 020 8753 1081
Fax: 020 8753 3922
Email: licensing@lbhf.gov.uk
Website: www.lbhf.gov.uk

If you would like any part of this document interpreted into your own language, please phone 020 8753 4040.

Russian

Если вы хотите, чтобы какая-либо часть этого документа была устно переведена на ваш язык, пожалуйста, позвоните по телефону 020 8753 4040.

Somali

Haddii aad jeclaan laheyd in qeyb dukumentigan ka mid ah luqaddaaada ama afkaaga laguugu turjumo, fadlan teleefoon u soo dir 020 8753 4040.

Polish

Jeśli chciałbś jakaolwiek część tego dokumentu przettumaczoną na język ojczysty, to proszę zadzwoń pod numer 020 8753 4040.

Punjabi

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੇ ਕਿਸੇ ਵੀ ਹਿੱਸੇ ਦਾ ਕੀਤਾ ਹੋਇਆ ਅਨੁਵਾਦ ਤੁਹਾਡੀ ਆਪਣੀ ਭਾਸ਼ਾ 'ਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਟੈਲੀਫੋਨ ਕਰੋ 020 8753 4040.

French

Si vous souhaitez qu'une partie de ce document soit traduite dans votre langue, veuillez appeler le 020 8753 4040.

Gujarati

જો તમને આ દસ્તાવેજનાં કોઈપણ ભાગનું કરેલ ભાષાંતર તમારી પોતાની ભાષામાં જોઈએ છે તો, મહેરબાની કરી ટેલિફોન કરો 020 8753 4040.

Spanish

Si desea alguna parte de este documento en su propio idioma, llame al 020 8753 4040.

Hindi

यदि आपको इस दस्तावेज के किसी भी हिस्से का किया हुआ अनुवाद अपनी भाषा में चाहिये, तो कृपया टैलिफोन करें 020 8753 4040.

Albanian

Nese do deshironi ndonje pjese te ketij dokumenti te perkthyer ne gjuhen tuaj, telefononi 020 8753 4040.

Urdu

اگر اس دستاویز کے کسی بھی حصہ کا ترجمہ آپ کو اپنی زبان میں چاہئے تو براہ مہربانی ٹیلی فون کریں: 020 8753 4040

Amharic

የዚህ ደብዳቤን አንድ ክፍል በራስዎ ቋንቋ እንዲተረጎምልዎት ከፈለጉ፤ እባክዎን በቁጥር 020 8753 4040 ይደውሉልን።

Farsi

اگر شما میخواهید هر بخشی از این سند به زبان شما برایتان ترجمه شفاهی بشود لطفاً با شماره تلفن 020 8753 4040 تماس بگیرید .

Portuguese

Se desejar qualquer parte deste documento interpretada no seu idioma, telefone por favor para 020 8753 4040.

Arabic

إذا كنت ترغب بالحصول على ترجمة فورية لأي جزء من هذه الوثيقة، فيرجى الاتصال ب: 020 8753 4040.

Responses to draft statement of gambling principles

1. Person responding is:

Resident – 13

Business – 6

Other - 4

2. Obtained statement by:

Post – 14

e-mail – 1

Other - 1

3. Did they feel the statement was clear and easy to read?

Yes - 11

No – 3

4. Is the definition of interested parties clear?

Yes - 12

No – 1

5. Did they feel the suggested conditions on a premises licence for a family entertainment centre are adequate?

Yes - 5

No – 5

Don't know - 3

6. Did they agree with a 'no casino' resolution in the Borough?

Yes – 12

Don't know - 2

7. Did they feel the conditions suggested on a premises licence for track betting are adequate?

Yes – 10

No - 1

Don't know – 2

Comments made about statement, [the writing in blue states what action was taken](#):

- Sloppy English and too much repetition i.e. use of 'miner' instead of 'minor'

[Could not find the word 'minor' in the document and document converted in to plain english](#)

- Page 9 paras 6.5 and 6.6 who is 'we' and what is 'it'?

['We' is used throughout the statement and 'it' changed to 'Gambling Commission'](#)

- Use of 'we will' instead of 'we shall'

Plain English uses 'we will' and so kept throughout document

- Para 4.3 badly written unclear

Re-written in plain English

- The whole statement is very unclear and could benefit with being rewritten

Re-written in plain English, although 11 out of 14 people said it was clear and easy to read.

- May well attract nefarious characters to the neighbourhood together with unsocial behaviour if we do not have a no casino resolution

Resolution recommended to be passed

- It would be helpful and polite if postage paid addressed envelope included as we are OAP's

Noted

- Very well written

Noted

- No specific comments to make

Noted

- Is it clear – yes clearly written and no not easy to understand because far too long and repetitive

Re-written in plain English, need to cover all the different types of gambling premises and therefore some of it will be repetitive

- For a family entertainment centre there seem to be only two conditions, first cat D machines only and second cannot be issued to vessels or vehicles

Unlicensed different from licensed, we cannot attaché conditions to unlicensed

- There is no need for more casinos in London

Noted

- It is not only children who need to be discouraged for (protected from) gambling but also 'vulnerable persons' (para 24.5) this draft statement gives no indication how the council proposes to deal with this problem

Vulnerable people included throughout statement

- This draft statement is not of gambling principles but of definitions and procedures there is nothing about how you intend to keep crime out of gambling in the borough

Gambling Commission have stated that they will be taking a leading role in the prevention of crime, we are quite restricted in what measures we can take as our remit is on the premises, we can deal with this when looking at location, this is mentioned in the statement

- No particular comments to make

Noted

- Supervision of machines should be stated in the policy

Stated in many places in statement – 9.2, 10.2, 12.1, 13.1 and 14.3

- Inclusion of an outline of the application procedures for permits for more than two machines

Will be covered in guidance to the statement as not yet published by the Gambling Commission

- Inclusion of transitional arrangements

Will be covered in guidance to the statement as not yet published by the Gambling Commission

- Presume 18.2 line 6 should read 'vessels or vehicles'

Correct, amended

- Very pleased that the policy is to include a no casino resolution. Casinos can reinforce people; addiction to gambling with the consequent adverse social effects and will not add to H&Fs advantage of being a pleasant place to live

Resolution recommended to be passed

- Casinos are not appropriate for residential areas will cause attendant vice problems – prostitution, drugs, car crime, late night disturbance, etc.

Resolution recommended to be passed

- Have nothing useful to contribute

Noted

- Looks good

Noted

- Request that a condition re: door supervisors, number of betting machines, re-sites of premises and enforcement be added
- Having a no casino resolution would pose some difficulties for the planning policy team
- Strongly against the intrusion of a commercial element in or nearby in what is exclusively residential in a conservation area

Resolution recommended to be passed

- Opposed to gambling, completely wrong to encourage people, especially young people to gamble. Such facilities would lead to an increase in crime

Noted

- There is a duty to protect law abiding citizens before it is too late

Noted

- Consideration of location is appropriate and some suggested sentences to add to statement given
- Most of the language used is clear and well written, but there is a great deal of repetition, in some places it is difficult to know whether repetitive language contains new information or is a repeated list or legal form of words

Re-written in plain english, need to cover all the different types of gambling premises and therefore some of it will be repetitive

- 18.2 is unclear

Re-written in plain english

- LBHF is too small to have a casino and residential. We cope with the large entertainment facilities we have – just. The small to medium entertainment facilities are the ones that work best here

Resolution recommended to be passed

- This form has been so poorly photocopied that it was difficult to read some of the questions

Noted

- Your document appears to be in line with the DCMS guidelines and as such causes no specific issues. This may need to be altered or amended following issue of further commission guidance

Noted and mentioned in statement

- General response stating that siting of premises, conditions imposed must all be relevant to the licensing objectives

Noted