

## Appendix C

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 2013.

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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## 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 system for commercial gambling to be managed by the Commission or by local authorities, depending on the matter that needs 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). We, the Licensing Authority and the Gambling Commission, 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. We will issue premises licences for:

- betting offices and racetracks;
- bingo clubs;
- adult gaming centres; and
- family entertainment centres.

We will also issue 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);
- occasionally - and temporary-use notices; and
- 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;
- making sure that gambling is carried out in a fair and open way; and
- 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 line with any relevant code of practice and guidance issued by the Gambling

Commission; and

- reasonably consistent with the licensing objectives and in line 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 licences;
- 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 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) that they want to use one or two gaming machines;
- issue gaming machine permits for premises that are 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 we have issued (see the section on exchanging information); and
- maintain registers of the permits and licences that we issue.

## **2 The borough**

2.1 Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in the centrewest 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 & 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 9.

2.4 When producing this statement we have considered:

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

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

- The police
- Local Safeguarding Children's 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

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 last approved at a meeting of the full council on 29 November 2006 and was published on our website on 20 December 2006. 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, commenting on an application, or applying for a review of a licence, as we will consider each one individually and according to the Gambling Act 2005 (except for casinos, see section 16 on page 17).

### **3 General principles**

3.1 The Act and any associated regulations will apply to premises licences as well as specific conditions set out in regulations. We can exclude some conditions and attach others, where we consider it to be appropriate.

3.2 We are aware that the Gambling Commission's 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 areas of a building that are artificially or temporarily separate to be different premises.

3.4 If more than one application is received for premises licences in a single building, we will make a decision on whether the proposed premises are genuinely separate to the extent that they merit their own licence and are not an artificially created part of what is readily identifiable as a single and separate unit. A decision of this nature will be taken by the licensing sub-committee. When determining whether two or more proposed premises are separate, we will take a number of factors into account. Depending on the specific circumstances of the case these may include:

- Do the premises have different postal addresses?
- Is a separate registration for business rates in place at the premises?
- Are the neighbouring premises owned by the same person or not?
- Can each set of premises be accessed from the street or a public passageway?
- Can the premises be accessed only from any other gambling premises?
- How are the premises separated? Are any partitions fixed, of full height and transparent in any part?

Where the licensing authority determines that more than one premises licences can be granted within a single building, then specific measures may be required to be included as conditions on the licences. Such measures may include:

- the supervision of entrances
- segregation of gambling from non-gambling areas, which may include the type and position of partitions and / or the supervision of the premises and gaming machines

3.5 We pay particular attention to the Gambling Commission's guidance for local authorities, which says the following.

Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

3.6 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.

3.7 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.

3.8 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 we will consider each application individually, except for an application for a casino (see section 16 on page 17). You will have to show how any possible concerns can be overcome.

3.9 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 Premises Licences**

4.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.

4.2 Premises licences can authorise the provision of facilities on:

- (a) casino premises,
- (b) bingo premises,
- (c) betting premises including tracks and premises used by betting intermediaries,
- (d) adult gaming centre premises, or
- (e) family entertainment centre premises.

4.3 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.

4.4 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises are reasonably consistent with the licensing objectives, the Commission's codes of practice and/or local authority guidance, and this statement of principles.

4.5 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:

- (a) casino premises
- (b) bingo premises
- (c) betting premises, including tracks and premises used by betting intermediaries
- (d) adult gaming centre premises (for category C and D machines)
- (e) family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).



(See the glossary at point 23 for definitions of categories of gaming machines)

4.6 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity in both the Local Authority Guidance and Supplement 4 of the Licence Conditions and Codes of Practice which was published in January 2009. This supplement sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

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

## **5 Conditions**

5.1 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.

5.2 Certain matters are set out in the Act may not be the subject of conditions. These are :

- conditions which make it impossible to comply with an operating licence.
- conditions as to gaming machines that contradict the provisions in the Act.
- conditions making activities, premises or parts of them operate as a membership club
- conditions on fees, winnings, stakes or prizes.

5.3 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.

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

5.5 Appropriate licence conditions may be as follows.

- All gaming machines are in an area of the premises which is separated from the rest of the premises by a physical barrier which prevents people from entering 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 must be arranged so that it can be monitored by the staff or the licence holder.
- Recognised proof-of-age schemes must be in place.
- At the entrance to and inside any of these areas, notices should be clearly displayed showing that people under 18 are not allowed in these areas.
- The entrance and gaming machines must be in appropriate places.
- Closed-circuit television must be provided.
- Door supervisors must be provided.
- There must be specific opening hours.
- There must be self-barring schemes. This means that problem gamblers can ask for their casual membership to be suspended and ask to be denied entry so they can deal with their addiction.
- Information leaflets and helpline numbers for organisations such as Gamcare must be provided.

5.6 The licensing authority will ensure that where category C or above machines are on offer in premises to which children are admitted the following conditions should apply :

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

5.7 The licensing authority expects all premises licence applications to specify opening hours. Particular attention will be paid to the opening hours for Adult Gaming Centres and Family Entertainment Centres which do not have opening hours specified as part of their mandatory conditions.

5.8 These considerations will also apply to premises where more than one premises licence is needed.

5.9 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 do not have to be registered with SIA. These conditions may include:

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

5.10 This recognises the work door supervisors carry out in terms of searching individuals, dealing with potentially aggressive people and so on.

5.11 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.

5.12 There is no evidence that betting offices need door supervisors to protect the public. The authority will only order a betting shop to appoint a door supervisor if there is clear evidence that the premises cannot be properly supervised from the counter.

## **6 Responsible authorities**

6.1 The responsible authorities as defined by the Act are listed in the glossary on page 21.

You can get the contact details of all the responsible authorities under the Act from our website at [www.lbhf.gov.uk](http://www.lbhf.gov.uk)

6.2 We must set out the principles we will apply when naming 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.

6.3 We appoint the Local Safeguarding Children's Board (LSCB) for this purpose.

## **7 Interested parties**

7.1 Interested parties can comment on licence applications, or apply for a review of an existing licence. Interested parties are defined in section 158 of the Act as follows. '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 application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b).'

7.2 We will decide each case 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.

7.3 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).

7.4 Interested parties can be people who are democratically elected such as councillors and MPs. 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.

7.5 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).

## 8 Reviews

~~7.1 Interested parties or responsible authorities can ask us to review a premises licence (see the glossary on page 21 for a list of relevant authorities). However, we will decide whether the review should be carried out. Our decision will be based on whether the request for the review:~~

~~8.1 An interested party or a responsible authority (see the glossary on page 18 for a list of relevant authorities) may apply to the council to review a premises licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded, if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.~~

~~8.2 As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The council accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.~~

~~8.3 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 (withdraw) or suspend the licence; or~~

- raises grounds that are substantially the same as, or different from, grounds within an earlier request for a review or from representations made in relation to the application for the premises licence.

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

## **9 Enforcement**

9.1 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 get involved 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.

9.2 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 it is available.

9.3 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.

9.4 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.

9.5 We will investigate complaints about licensed premises in relation to the licensing objectives 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.

## **10 Exchanging information**

10.1 We will follow the Act whenever we exchange information with other people. Sharing information with certain other people will not break the Data Protection Act 1998.

10.2 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.

10.3 If any guidelines are produced about exchanging information with other organisations, we will make them available.

10.4 You can find guidance on how to get information under the Freedom of Information Act or Data Protection Act on our website at [www.lbhf.gov.uk](http://www.lbhf.gov.uk)

## **11 Provisional statements**

11.1 We will decide whether premises can be considered for a premises licence. The guidance issued by the Gambling Commission advises that the building should be complete so that the authority could, if necessary, carry out a full inspection.

11.2 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.

## **12 Temporary-use notices**

12.1 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.

12.2 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.

12.3 The Secretary of State will list the gambling activities that may be covered by a temporary-use notice, as well as activities that may not be and activities that may not be combined with any other.

### **13 Occasional-use notices**

13.1 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.

13.2 We have very little power in relation to these notices other than making sure that betting is not allowed for more than eight days in a calendar year.

### **14 Consultation**

14.1 We will expect you to advertise the application in line with the regulations made under the Act.

14.2 We will carry out a consultation process in line 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.

### **15 Adult gaming centres, family entertainment centres licensed to sell alcohol, bingo premises, betting premises.**

15.2 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.

15.3 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 on page 12.

15.4 We will consider 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 transaction.

### **16 Family entertainment centres not licensed to sell alcohol**



16.1 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).

16.2 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). We cannot issue permits for vessels or vehicles.

16.3 We cannot attach conditions to this type of permit. We have not yet adopted a statement of principles for permits.

## **17 Casinos**

17.1 We have a 'no casino' resolution in this borough because it is mainly residential and a casino would be out of character with 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 inequality between these competing town centres.

17.2 The 'no casino' resolution came into effect on the same date as this statement. We will review this resolution at least every three years, and can withdraw it at any time.

17.3 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.

## **18 Tracks**

18.1 We are aware that tracks may need more than one premises licence and we will especially consider the effect on the third licensing objective (that is, protecting children and vulnerable people from being harmed or exploited by gambling).

18.2 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 on page 12.

18.3 We will expect you to have plans that explain 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.

## **19 Travelling fairs**

19.1 We will firstly consider whether you fall within the legal definition of a travelling fair.

19.2 If category-D machines or equal-chance prizes are going to be available at a travelling fair, we must decide whether or not the facilities for gambling are the main amusements at the fair.

19.3 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 broken.

## **20 Gaming machine permits for premises that sell alcohol**

20.1 Premises licensed to sell alcohol for people to drink on the premises are entitled to have two 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 breaks 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.

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

20.3 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 (the conditions are on page 12).

20.4 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.

20.5 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.

20.6 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.

20.7 We have not yet adopted a statement of principles for permits.

## **21 Prize gaming permits (statement of principles on permits – schedule 14 paragraph 8 (3))**

21.1 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.

21.2 A prize gaming permit is a permit we issue to authorise gaming facilities with prizes on specific premises.

21.3 An application for a permit can only be made by a person who uses or plans to use 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 for the same premises. The application must be made to the authority in whose area the premises are completely or partly situated.

21.4 When making our decision on an application for this permit, we do not need to consider licensing objectives but must consider any Gambling Commission guidance.

21.5 There are conditions in the Act which the permit holder must follow. These are:

- the limits on participation fees, as set out in regulations;

- all chances to take part 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); and
- taking part in the gaming must not entitle the player to take part in any other gambling.

## **22 Club gaming and club machine permits**

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

22.2 Gambling Commission guidance says: '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'.

22.3 We may only refuse an application if:

- 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 10 years; or
- e an objection has been lodged by the commission of the police.

22.4 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 follows any relevant code of practice about where and how gaming machines are used.

## **23 Glossary**

23.1 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.

23.2 Betting premises – a premises that may have up to four gaming machines of category-B (restricted to B2, B3 and B4), C or D.

23.3 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.

23.4 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 £5 cash or
	30p when a	£8 non-monetary
	non-monetary	
	prize	

23.5 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).

23.6 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.

23.7 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.

23.8 Gaming machines – all machines on which people can gamble.

23.9 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.

23.10 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.

23.11 Remote gambling – gambling that takes place on the internet.

23.12 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 Children's Board (LSCB); and
- HM Revenue & Customs.

23.13 Spread betting – allows an investor to bet on whether they believe that the price quoted is likely to strengthen (go up in value) or weaken (go down in value). The profit or loss for a spread better depends on the difference in the buy and sell price.

23.14 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.

23.15 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 can be made available but the facilities for gambling must not be the main amusements at the fair.

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

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