

GAMBLING ACT 2005

STATEMENT OF POLICY and PRINCIPLES

~~Approved on: 13th December 2006~~

~~Published on: 3rd January 2007~~

Approved on:

Published on:

Contents

Item	Page	
Part A		
1. Background and licensing objectives	3	
2. Profile of the Borough	3	4
3. Licensing authority functions	4	5
4. Consultation	4	5
5. General Principles	5	
6. Declaration	5	6
7. Responsible Authorities	5	6
8. Interested parties		7
9.. <i>Notice of application</i>		8
9. 10 Exchange of information	8	8
10. 11 Enforcement	8	9
11. 12 Administration, Exercise and Delegation of Functions	9	10
12. 13 Licensing Fees	9	10
Part B - Premises licences		
1. General Principles	10	11
2. Adult Gaming Centres	15	17
3. (Licensed) Family Entertainment Centres	15	17
4. Casinos	16	18
5. Bingo	17	18
6. Betting premises	17	19
7. Tracks	17	19
8. Travelling fairs	19	21
9. Provisional Statements	19	21
10. Reviews	20	22
11. <i>Notice of application</i>	20	
Part C - Permits / Temporary and Occasional Use Notices		
1. Unlicensed Family Entertainment Centre gaming machine permits	21	23
2. (Alcohol) Licensed premises gaming machine permits	21	23
3. Prize Gaming Permits	22	24
4. Club Gaming and Club Machines Permits	23	25
5. Temporary Use Notices	24	26
6. Occasional Use Notices	25	27
Appendix A – Map of District		
Appendix B - Delegation of licensing decisions and functions		
Appendix C - Consultees		

This Statement of Policy and Principles has been drawn up at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document amendments may need to be made at a later stage. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.

PART A

1. Background and Licensing Objectives

- 1.1 The London Borough of Wandsworth ~~will be~~ is the Licensing Authority under the Gambling Act 2005 ('The Act'). Licensing Authorities are required by the ~~Gambling Act 2005 Act~~ to publish a statement of principles which they propose to apply when exercising their functions.
- 1.2 The Statement will be kept under review to ensure that its aims and objectives are being met. A new Statement of Policy and Principles will be consulted on and published every three years and more often than that if deemed necessary.
- 1.3 This Statement of Policy and Principles has been prepared under Section 349 of the Act in accordance with The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 taking into account the relevant Guidance to Licensing Authorities produced by the Gambling Commission. (MOVED FROM 1.1) *Licensing Authorities are required by the Act to publish a Statement of Policy and Principles which they propose to apply when exercising their functions and to review it at least every three years. Wandsworth's first Statement of Policy and Principles was adopted by the Council on the 13th December 2006 and published on the 3rd January 2007. In accordance with the Act, this document is the first major review of the Council's Statement of Licensing Policy and took effect from the 31st January 2010.*
- ~~1.2 The Statement will be kept under review to ensure that its aims and objectives are being met. A new Statement of Policy and Principles will be consulted on and published every three years and more often than that if deemed necessary.~~
- ~~1.3~~ 1.4 The Act requires that licensing authorities carry out their various licensing functions with a view to promoting the following three licensing objectives:
- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
 - **Ensuring that gambling is conducted in a fair and open way**
 - **Protecting children and other vulnerable persons from being harmed or exploited by gambling**
- It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".
- ~~1.4.~~ 1.5 The London Borough of Wandsworth as Licensing Authority is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority's statement of ~~licensing~~ policy & principles

2. Profile of the Borough

- 2.1 The Borough of Wandsworth occupies an area of 34 square kilometres, stretching from Vauxhall in the east to the edge of Richmond Park on in the west. It is bordered by the London boroughs of Westminster, Kensington and Chelsea, Lambeth, Merton, Hammersmith and Fulham and Richmond upon Thames. The Borough is largely residential with a population *at the 2001 census of 271,742 of around 269,300. It is estimated that this will have risen to 291,355 by 2011.* It ~~had~~ has a residential density of ~~76~~ 79 persons per hectare *in 2001* making it the 10th most densely populated borough in England and Wales and the 10th in London. *2005 estimates provide that 15% of the population are under the age of 15 and 10% over the age of 65. The majority of residents are within 20-44 age range (56%).* ~~Some 16% of the population is under the age of 15 and 10% over the age of 65. The majority of residents are within the 22-44 age range (54%). 22% of households within the Borough have dependent children.~~ It is a multi racial Borough with racial minorities accounting for almost 1 in 5 of the population *and 1 in 3 of the under 16's.*
- 2.2 There are substantial areas of employment, particularly in Nine Elms and East Battersea, *in the Wandle Valley and in the town centres.* There are five town centres (Clapham Junction, Putney, Wandsworth, Tooting and Balham) *which are, themselves, residential in character.* These provide a focus for employment, shopping and leisure activities ~~although they are also residential in character.~~ In addition, there are eight local centres and twenty five important local parades. Although there are *approximately 105,000 people working nearly 90,000 jobs* in the Borough a substantial proportion of the working population travel to jobs outside the Borough (*46% of working residents*), particularly in Central London. *This employment pattern results in the essentially residential character of large parts of the borough.*
- 2.3 A map of the Borough, ~~indicating the 5 town centres,~~ is included in this Statement at Appendix A.

3. Licensing Authority functions

- 3.1 This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:
- Premises Licences (in respect of casinos, bingo premises, betting premises, tracks, adult gaming centres, family entertainment centres);
 - Provisional Statements;
 - Club Gaming Permits and ~~or~~ Club Machine Permits;
 - Permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
 - Permits or notifications for the use of gaming machines in alcohol licensed premises (under the Licensing Act 2003);
 - Registration of small society lotteries below prescribed thresholds;
 - Prize Gaming Permits;
 - Temporary Use Notices;
 - Occasional Use Notices;

- 3.2 Local licensing authorities are not involved in licensing remote gambling (e.g. internet gambling). This will fall to the Gambling Commission. Neither are they involved in licensing the National Lottery.

4. Consultation

- 4.1 In preparing the policy the Council ~~has consulted~~ *has consulted* widely with key stakeholders and interested parties. The consultation ~~was~~ *was* carried out over a period of ~~12~~ 10 weeks commencing on the ~~19th July 2006~~ *27 July 2009* and ending on the ~~14th October 2006~~ *2nd October 2009* and followed the ~~Cabinet Office Guidance on consultations by the public sector~~. A full list of consultees is laid out in Appendix C of the Statement but ~~included~~ *included*:-

- i) The Chief Officer of the Metropolitan Police;
- ii) The London Fire and Emergency Planning Authority
- iii) Operators of affected premises within the Borough;
- iv) Bodies representing businesses and residents of Wandsworth (including Town Centre Partnership Boards);
- v) Other Council departments;
- vi) Members of the Licensing Committee

- 4.2 The final policy, taking into account all representations, ~~was~~ *was* placed before a meeting of the Full Council and, ~~was~~ *was* then published via ~~our~~ the councils website for a period of 4 weeks prior to full implementation. Copies ~~were~~ *were* also placed in the public libraries as well as being available in the Town Hall.

5.0 General Principles

- 5.1 Nothing in this Statement will:

- 1) Override the right of any person to make an application
- 2) Make representations about an application, or apply for a review of a licence as each will be considered on its own merits and according to the statutory requirements of the ~~Gambling Act 2005~~.

- 5.2 The starting point in determining applications will be to grant the application without conditions, other than any mandatory or default conditions laid down by Regulation. Default conditions will be amended or additional conditions added only where they are needed to meet the requirements of the licensing objectives. Any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved.

6. Declaration

- 6.1 ~~The~~ *The* Statement has been produced having regard to the licensing objectives of the ~~Gambling Act, 2005~~ the guidance issued by the Gambling Commission and to the responses from those consulted on the statement.

7. Responsible Authorities

- 7.1 The Act provides that the following are responsible authorities for the purpose of premises licences:
- i) a licensing authority in whose area the premises lie;

- ii) the Gambling Commission;
 - iii) the Metropolitan Police;
 - iv) the London Fire Authority;
 - v) the planning department;
 - vi) the section of the Council responsible for the prevention of harm from pollution;
 - vii) the body competent to advise the authority on the protection of children from harm;
 - viii) Her Majesty's Commissioners of Customs and Excise and
 - ix) any other person prescribed by Regulation made by the Secretary of State
- 7.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- i) the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - ii) the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 7.3 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates ~~the Director of Children's Services~~ *Wandsworth Children's Safeguarding Board* for this purpose.
- 7.4 The contact details of all the Responsible Authorities under the ~~Gambling Act 2005~~ are available via the Council's website at www.wandsworth.gov.uk

8. Interested parties

- 8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the ~~Gambling Act 2005~~ as follows:
- "For the purposes of this Part a person is an interested party in relation to a *premises licence or 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)"
- 8.2 In making a decision on whether a representation is from an 'interested party' this Authority will abide by the following principles:
- a) Persons living close to the premises. Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. In determining what 'sufficiently close to the premises' means it will consider the examples of factors for considerations provided in the Gambling Commission's Guidance for local authorities at ~~8.14~~ *8.15* namely:
 - * the size of the premises;
 - * the nature of the premises;
 - * the distance of the premises from the location of the person making

representations;

* the potential impact of the premises (number of customers, routes likely to be taken by the customers visiting the premises);

* the circumstances of the complainant e.g. whether an individual, a residential school for children with truanting problems; a residential hostel for vulnerable adults.

b) Persons with business interests that could be affected. Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. In determining whether a person has a 'business interest that could be affected' it will have regard to paragraph 8-15 8.16 of the Gambling Commission Guidance namely:

* the size of the premises;

* the 'catchment area of the premises' i.e. how far people travel to visit the premises;

* whether the person making the representation has a business interest in that catchment area that might be affected.

It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships (such as Town Centre Partnership Boards), charities, faith groups and medical practices.

c) Persons representing those in the above categories. Interested parties can include trade associations and trade unions, and residents' and tenants' associations These bodies will only be viewed as interested parties if they have a member who can be classed as an interested person under the terms of the ~~Gambling Act 2005~~ i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

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

9. Notice of application

9.1 *In addition to the statutory notice of application, this authority will carry out the following additional consultation with interested parties in the case of new applications and variation applications:*

- *Letter drop to persons living close to the premises and businesses whose interests could be affected, the exact area to be agreed by the Head of Environmental Services and Committee Safety*

- *Notify Ward Councillors*

9-10. Exchange of Information

- 9-1 10.1 In fulfilling its functions and obligations under the ~~Gambling Act 2005~~ the Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. All such protocols will be published on the Council's website and will take into account any Guidance issued by the Gambling Commission as well as any relevant regulations issued by the Secretary of State under the powers provided in the ~~Gambling Act 2005~~. In exchanging such information the Authority will conform to the data protection and freedom of information legislation in accordance with the Council's existing policies.
- 9-2 10.2 Contact details of those persons making representations and details of the representations will be made available to the applicant to allow for negotiation. In the event of a hearing being held the details will be provided to members of the Licensing Committee and, should an Appeal follow the information will become a matter of public record. Anyone making representation or applying for a review of a premises licence will be informed that these details will be disclosed

40. 11. Enforcement

- 40-1 11.1 Licensing authorities are required by regulation under the ~~Gambling Act 2005~~ to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 40-2 11.2 The main enforcement and compliance role for this licensing authority in terms of the ~~Gambling Act 2005~~ will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will be notified to the Gambling Commission.
- 40-3 11.3 This Authority will adopt a risk-based inspection programme having regard to statutory requirements and Gambling Commission Guidance. In general enforcement visits will be targeted as follows:
- To high risk premises;
 - To premises where it is believed that trading is taking place without the necessary permissions or where conditions are not being observed;
 - To premises where complaints have been received.

When determining risk consideration will be given to:

- * The nature of the gambling activities taking place on the premises;
- * The location of the premises in relation to schools and accommodation/day facilities for vulnerable adults;
- * the procedures put in place by the management to meet the

licensing objectives.

~~40.4~~ 11.4 Enforcement action will be taken having regard to the Council's Environmental Services Enforcement Policy and the Code for Crown Prosecutors. The Enforcement Policy will take into account any required changes arising from the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

~~40.5~~ 11.5 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

41.0 12.0 Administration, Exercise and Delegation of Functions

~~41.1~~ 12.1 The Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

~~41.2~~ 12.2 In order to provide a speedy, efficient and cost-effective service to all involved in the licensing process, the Committee has delegated certain decisions and functions to Sub-Committees.

~~41.3~~ 12.3 Further, with many of the decisions and functions being purely administrative, the grant of non-contentious applications has been delegated to Council officers. All such matters dealt with in this way will be reported for information to the next Committee and/or Sub-Committee meeting.

~~41.4~~ 12.4 Appendix B sets out the proposed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

42.0 13.0 Licensing Fees

~~42.1~~ 13.1 ~~Fees will be set by Regulation. However, there is an indication that high performing Local Authorities will be allowed to set fees outside the statutory fee levels. If this is the case, this Authority will avail itself of this facility, ensuring that the fee set will cover the cost of administering the Act. The licensing authority will set fees for premises licences from within fee bands prescribed by Regulation. Each premises type will have separate fee bands. The fees once set will be reviewed annually to ensure that the fees only cover the costs of administering the Act.~~

PART B PREMISES LICENCES

1. General Principles

- 1.1 Premises licences will be subject to the requirements set-out in the ~~Gambling Act 2005~~ and regulations, as well as specific mandatory and default conditions ~~which will be detailed in regulations issued by the Secretary of State~~. Licensing authorities are able to exclude default conditions and also attach *other conditions*, where it is believed to be appropriate.
- 1.2 This Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission ;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of licensing policy.
- 1.3 It is recognised that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.
- 1.4 *Primary Gambling Activity – This Authority endorses the view that the primary activity of the premises should be that described, for example in a bingo premises the primary activity is bingo, with gaming machines as an ancillary offer on the premises.*
- 1.5 Definition of “premises” - Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. *Where more than one premises licence is permitted within a building, the gaming machine entitlement for separately licensed premises may not be aggregated and no more than the permitted number of category of machines for the relevant type of the premises may be placed in any one of the individual sets of premises within the building.*
- 1.6 Whether different parts of a building can properly be regarded as being separate premises will ~~always be a question of fact in the circumstances~~ *depend on the circumstances*. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, *for example by ropes or movable partitions*, can properly be regarded as different premises.
- 1.7 This Authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:

- ~~a) licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.~~
- ~~b) 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; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.~~

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 the 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.*

1.8 *In determining whether two or more proposed premises are truly separate, the licensing authority should be aware of factors which could assist them in making their decision. This Authority takes particular note of the Gambling Commission's Guidance for licensing authorities which states that depending on all the circumstances of the case, these may include:*

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

In addition to the matters laid out above this Authority, when considering the division of existing premises would expect the partitioning between the two proposed units to be fixed and immovable in nature, full height and not

*transparent in any part. Where both units are on the same floor it would expect the premises to have separate postal addresses, separate entrance doors **and separate trading names. There should be no internal doors allowing customers to move between the premises.***

~~1.6 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to “the premises” is to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.~~

1.9 Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. Particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as to issues of crime and disorder. This Authority will take specific note of whether an application relates to a premises that is situated close to an educational establishment or to a centre dealing with vulnerable adults in deciding an application. However, this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

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

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

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission’s Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

Issues of nuisance cannot be addressed via the Gambling Act provisions. Therefore, in making a distinction between disorder and nuisance the Licensing Committee will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it in considering any contested application.

In addition, when considering an application this Authority will take into account:

- i) The design and layout of the premises;
- ii) Physical security features installed at the premises such as CCTV and the positioning of cash registers
- iii) Where premises are subject to age restriction, the procedure in place to conduct age verification checks;
- iv) the likelihood of any violence, public order or policing problem if the licence is granted.

Ensuring that gambling is conducted in a fair and open way. This Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences but should the Authority become aware that this is not happening they will refer the information to the Gambling Commission.

Protecting children and other vulnerable persons from being harmed or exploited by gambling. This Authority has noted that the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas from areas frequented by children.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental health needs, learning disability or substance misuse relating to alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it by way of a revision.

1.12 Conditions. Conditions may be attached to premises licences in the following way:

Automatically – having been set out in the face of the Act

Mandatory conditions – as specified by the Secretary of State which must be attached to the premises licence

Default conditions – as specified by the Secretary of State which will be attached to the premises licence unless excluded by the licensing authority. Default conditions will normally be applied to applications.
Conditions attached by the licensing authority.

- 1.13 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 1.14 This Authority recognises that the conditions necessary for the general good conduct of gambling premises will be those set down as mandatory and default conditions. Where there are specific risks and problems associated with a particular locality, premises or class of premises the Authority may attach individual conditions to address this.
- 1.15 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas, staffing levels and staff training in premises where alcohol may be consumed etc. However, conditions relating to the need for door supervisors will only be required if there is clear evidence that the premises cannot be adequately supervised otherwise and that door supervision is both necessary and proportionate. There are specific comments made in this regard under some of the licence types below.
- 1.1.6 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.
- 1.17 This authority will also ensure that where category C or above Amusement with Prizes machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 1.18 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- i) any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- ii) conditions relating to gaming machine categories, numbers, or method of operation;
- iii) conditions which provide that membership of a club or body be required; and
- iv) conditions in relation to stakes, fees, winning or prizes.

1.19 Door Supervisors. The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that in-house staff carrying out the function of a door supervisor at casinos or bingo premises are not required to be licensed by the Security Industry Authority (SIA). This licensing authority therefore has specific requirements for such door supervisors working at bingo premises which are that they have successfully completed a training course approved by the SIA prior to their employment as a door supervisor. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc. Contract staff carrying out the function of a door supervisor do require to be licensed by the Security Industry Authority.

1.20 For premises other than casinos and bingo premises it may be decided either by the operator or by the Licensing Committee that supervision of entrances / machines is appropriate for particular cases and whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

2. Adult Gaming Centres

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

2.2 Applicants will be expected to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

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

3. (Licensed) Family Entertainment Centres

- 3.1 This Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 3.2 Applicants will be expected to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
 - Measures / training for staff on how to deal with suspected truant school children on the premises

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

- 3.3 As laid out in the Gambling Commission's guidance, reference will be made to the Commission's website with regard to conditions that apply to operating licences concerning the way in which the area containing the category C machines should be delineated. This Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

- 4.1 This licensing authority ~~has introduced a~~ *has re-stated its* 'no casino' resolution on the basis that this Borough is predominantly residential in nature and a casino would be out of character to the area. In addition Wandsworth has a thriving and diverse leisure and night-time economy, presently centred around five town centres, primarily characterised by leisure, licensed and food-led premises. The Council would not want to create an imbalance between these competing town centre economies and is 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 casino located in a Town Centre would increase the likelihood of nuisance. It is likely also that the economies of the other four town centres would be adversely affected possibly giving rise to a higher incidence of crime and disorder. A location outside of the town centres would be similarly detrimental to all five town centres

- ~~4.2 The resolution and all representations were considered by the Council and approved. The resolution comes into effect on the same date as this Statement of Policy and Principles. It will lapse after 3 years unless it has been revoked by resolution in the meantime~~
- 4.3 Potential licence applicants should note that a 'no-casino' resolution ~~will~~ *will* mean that no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

5. Bingo premises

- 5.1 This Authority notes that the Gambling Commission's Guidance states:

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

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

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

- 5.2 This Authority will have regard to Gambling Commission Guidance on the issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises.

6. Betting premises

- 6.1 While the authority has discretion as to the number, nature and circumstances of use of betting machines, such action will only be taken where there is clear evidence that such machines may have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider the ability of staff to monitor the use of such machines from the counter.
- 6.2 This authority will give due consideration to premises licence applications in respect of re-sites of a betting premises within the locality and to extensions where these replace and enhance the quality of the facility provided for the benefit of the betting public.

7. Tracks

- 7.1 *Currently this authority has no track betting premises in its area. However this licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In line with the Gambling Commission's Guidance, this Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.*
- 7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided or from using betting machines.
- 7.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-baring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare
 - Method for advertising rules in or near the betting areas or in another way to ensure that the public are informed

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

- ~~7.4 This Authority awaits regulations setting out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other~~

~~areas are to be subject to a separate application for a different type of premises licence."~~

~~7.5 This licensing authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.~~

8. Travelling Fairs

8.1 This Authority is responsible for deciding whether the provision of Category D machines and / or equal chance prize gaming without a permit available for use at a travelling fair amounts to no more than an ancillary amusement at that fair.

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

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

9. Provisional Statements

~~9.1 This licensing authority notes the Guidance for the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".~~

9.1 *Applicants may make an application for a provisional statement in respect of premises that they expect to be constructed, altered, or to acquire a right to occupy. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence. Those applying for a provisional statement do not have to have applied for or hold an operating licence, nor do they need to have the right to occupy the premises.*

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

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

(c) Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

- 9.3 With regard to provisional statements this authority has noted the Gambling Commission's Guidance that ~~"A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."~~ *a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.*

10. Reviews

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. It is for the licensing authority to decide whether the review is to be carried-out. In deciding whether to review the licence the Authority will consider whether 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 licensing policy;
- frivolous or vexatious or substantially the same as previous representations or requests for review.

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

11. ~~Notice of application~~

~~11.1 In addition to the statutory notice of application, this Authority will carry out the following additional consultation in respect of premises licence applications: letter drop to persons living close to the premises and businesses whose interests could be affected, the exact area to be agreed by the Head of Environmental Services. MOVED TO PART A.~~

PART C
Permits and Temporary & Occasional Use Notices

1. Unlicensed Family Entertainment Centre gaming machine permits

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).
- 1.2 An application for a permit may only be granted if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application. This Authority will expect applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centre;
 - that the applicant has no relevant convictions (as set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 1.3 In addition, this Authority will expect the applicant to have policies and procedures in place to protect children from harm in the widest context (not limited to only harm from gambling). This will include:
- * measures to deal with suspected truant school children
 - * measures to deal with unsupervised very young children on the premises
 - * measures to deal with children causing perceived problems on or around the premises
- 1.4 This Authority understands that they may either grant or reject an application but cannot attach conditions to this type of permit.

2. (Alcohol) Licensed premises gaming machine permits

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:-
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act. These are: that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with;
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

- 2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance or Codes of Practice issued by the Gambling Commission and “such matters as they think relevant.” This Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include:
- * the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
 - * The provision of notices and/or signage.
 - * The provision of information leaflets/helpline numbers for organisations such as GamCare
- 2.3 An application for a permit for more than two machines will generally be granted if the operator is complying with the Gambling Commission Code of Practice unless there are particular and compelling reasons not to do so.
- 2.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.5 This Authority recognises that it can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for but that conditions (other than these) cannot be attached.

3. Prize Gaming Permits

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Authority would expect an applicant to set out the types of gaming that is intended to be offered and be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - and that the gaming offered is within the law.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;

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

4. Club Gaming *Permits* and Club Machines Permits

- 4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 4.2 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. The Secretary of State has made such regulations and these cover bridge and whist clubs. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise.~~ Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 4.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years;
- or
- (e) an objection has been lodged by the Commission or the police.
- 4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are *that*

- (a) ~~that~~ the club is established primarily for gaming, other than gaming prescribed under ~~schedule 12~~ *by regulations under section 266 of the Act*
- (b) ~~that~~ in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) ~~that~~ a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

4.5 There are statutory conditions on club gaming permits that

- (a) in respect of gaming machines, no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines;
- (b) the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.*

5. Temporary Use Notices

5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator (holding the relevant operating licence) wishes to use the premises temporarily for providing facilities for gambling.

5.2 A 'set of premises' may not be the subject of temporary use notification for more than 21 days in any period of 12 months.

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

6. Occasional Use Notices:

6.1 The Act provides that 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. The licensing authority has no discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.