



Gambling Act 2005

The London Borough of Tower Hamlets Gambling Policy 2016~~9~~- 2019~~9~~22****

Effective 5th December 2016~~9~~

Summary of Local Authority Gambling Policy

1. Licensing local authorities in England and Wales have all been required by the Gambling Act 2005 to adopt a gambling policy following consultation.
2. The following policy was adopted after consultation, including but not confined to the consultation required by the legislation.
3. The policy has to be reviewed every three years and consequently it is now being sent out for a new round of consultation. Again the consultation will include but not be confined to the statutory consultation.
4. The policy sets out in detail how the licensing authority will discharge its licensing functions under the Gambling Act 2005.
5. There are three licensing objectives set out in the Act, as follows:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable people from being harmed or exploited by gambling
6. The main area of involvement for the licensing authority is protecting the vulnerable, and the licensing policy is largely devoted to seeking to achieve this, across the range of premises licences and permits which the authority will administer.
7. The licensing authority approach to enforcement is defined.
8. The scheme of delegation that defines the responsibility for decision making, administration and enforcement is also included.

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PART A – Introduction, Statements, and Licensing Objectives

~~2 – Introduction~~

- ~~2.1 The London Borough of Tower Hamlets is a single tier authority on the East side of inner London. The Borough is shown in the map in **Annex 1** where Gambling premises licences have been issued.~~
- ~~2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re consulted upon. The statement must be then re published.~~
- ~~2.3 Tower Hamlets Council has consulted widely upon its policy statement before finalising and publishing it. A list of the persons and organisations consulted is provided in **Annex 2** of the Policy adopted by the Council. We have consulted businesses, elected representatives, community and third sector organisations and responsible authorities.~~
- ~~2.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:~~
- ~~a) The Chief Officer of Police~~
 - ~~b) One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority’s area~~
 - ~~c) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.~~
- ~~2.5 The consultation took place between 19th October 2015 and 17th January 2016. The results of the consultation are summarised in **Annex 3**~~
- ~~2.6 The policy has to be approved at a meeting of the Full Council published via our website as well as being available in the Town Hall and Idea Stores.~~
- ~~2.7 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.~~
- ~~2.8 The Licensing Authority would like to encourage the highest standards within premises that hold a licence under the Gambling Act 2005. The Licensing Authority has produced a ‘Gambling Best Practice Guide’ to assist both new applicants and existing operators.~~

~~2.9~~ The list of recommended measures listed in **Annex 4** is not exhaustive but gives an indication of some of the suitable measures and procedures that are expected in well managed premises.

~~3~~ **Declaration**

~~3.1~~ In producing this licensing policy the Authority has had regard to the licensing objectives of the Gambling Act 2005 and the guidance issued by the Gambling Commission. The policy has also had regard to any responses from those consulted on the policy statement.

~~4~~ **Responsible Authorities**

~~4.1~~ The licensing authority is required to state the principles it will apply to designate a body which is competent to advise the authority about the protection of children from harm. The principles are:

- ~~a)~~ the need for the body to be responsible for an area covering the whole of the licensing authority's area
- ~~b)~~ the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

~~4.2~~ In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose. This is the statutory body charged with coordinating the activities of organisations in Tower Hamlets who are instrumental in safeguarding and promoting the welfare of children.

~~4.3~~ The contact details of all the responsible authorities are found on the Council's website at www.towerhamlets.gov.uk

~~5~~ **Interested parties**

~~5.1~~ Interested parties can make representations about licence applications, or apply for a review of an existing licence. Interested parties are defined as a person who in the opinion of the licensing authority

- ~~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,
- ~~c)~~ represents persons who satisfy paragraph (a) or (b)

~~5.2~~ The licensing authority is required to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

~~5.3~~ These principles are that :-

- ~~a) Each case will be decided upon its merits.~~
- ~~b) This authority will not apply a rigid rule to its decision making.~~
- ~~c) It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.~~
- ~~d) It will also consider the Gambling Commission's advice that "business interests" should be given its widest possible meaning and includes partnerships, charities, faith groups, and medical practices.~~

~~5.4 The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.~~

~~5.5 Interested parties can be persons who are democratically elected, such as Councillors and MP's. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorities activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.~~

~~5.6 Individuals may wish to approach Councillors to ask them to represent their views. If Councillors take on a representative role they will not be able to be part of the decision making process. If they are a member of the Committee they will withdraw for the hearing.~~

~~6 Exchange of Information~~

~~6.1 Licensing Authorities have a number of responsibilities relating to the control and exchange of information that has been gained in carrying out its duties and responsibilities under the Act.~~

~~6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.~~

~~6.3 The licensing authority will also have regard to 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 Gambling Act 2005. Any protocols that are adopted will be made available if requested.~~

~~7 Enforcement~~

~~7.1 Licensing authorities are required to state the principles to be applied by the~~

~~authority in exercising the functions with respect to the inspection of premises; and the powers to institute criminal proceedings in respect of the offences committed under the Gambling Act 2005.~~

~~7.2 This Licensing Authority's general principles of enforcement are set out in its enforcement policy. In addition we will be guided by the Gambling Commission's Guidance for local authorities and we will endeavour to be:~~

- ~~a) **Proportionate:** regulators should only intervene when necessary: Remedies should be appropriate to the risk posed, and costs identified and minimised;~~
- ~~b) **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;~~
- ~~c) **Consistent:** rules and standards must be joined up and implemented fairly;~~
- ~~d) **Transparent:** regulators should be open, and keep regulations simple and user friendly; and~~
- ~~e) **Targeted:** regulation should be focused on the problem, and minimise side effects~~
- ~~f) **Avoid duplication** with other regulatory regimes so far as possible.~~

~~7.3 This licensing authority has, as recommended by the Gambling Commission's Guidance for local authorities, adopted a risk based inspection programme.~~

~~7.4 The local authority does expect that premises that are licensed are aware of and keep to the terms of their licence. The Authority will take appropriate enforcement action to ensure that this is the case, and is especially concerned to ensure that the licensing objective relating to children is met in full.~~

~~7.5 The main enforcement and compliance role for this licensing authority will be to ensure compliance with the Premises Licences and other permissions which is authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.~~

~~7.6 This licensing authority also intends to monitor non-licensed gambling, and is especially concerned to stop non-destination gambling by children and young adults. Non-destination gambling is where the destination is not primarily a gambling premises and is mainly visited for a different purpose. This typically (but not exclusively) involves gaming machines in premises open to the public such as public houses~~

~~7.7 This Licensing Authority will continue to keep informed of developments with the work from Central Government and sister organisations on the principles of Better Regulation Executive in its consideration of the regulatory functions~~

~~7.8 Bearing in mind the principle of transparency, this licensing authority's~~

~~enforcement/compliance protocols/written agreements will be available upon request to the licensing department and on the Council's web site. Our risk methodology will also be available upon request. (A charge may be made for hard copies).~~

~~7.9 The authority recognises that bookmakers and other operators may have a number of premises within its area. In order to ensure that compliance issues are recognised and dealt with at the earliest possible stage, operators are requested to give the authority a single named contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise. The authority however, reserves the right to institute proceedings, or take other action as necessary and consistent with its general policies.~~

~~7.10 The Authority uses the templates inspection forms produced by the Leicester, Rutland and Leicestershire Licensing Forum and Leicestershire Local Economic Partnership.~~

~~7.11 To assist the targeting of the Council's enforcement activity the Council will request that operators / premises share:-~~

- ~~• test purchasing results (subject to the terms of primary authority agreements);~~
- ~~• incidents in premises, which managers are likely to be required to report to head office;~~
- ~~• information about numbers of self-excluded gamblers to help it develop its understanding about the risk of problem gambling in its area.~~

~~7.12 This information will help the Council to get a clearer picture of which premises may be experiencing issues, meaning that the inspection and enforcement activity is appropriately structured~~

~~7.13 Operators are not automatically required to share their risk assessments with licensing authorities except when they are applying for a new premises licence or to vary an existing one. However, the Gambling Commission is advising operators to do so.~~

~~7.14 The Council will request a copy of each premises risk assessment during the first year of this Policy.~~

~~8 Licensing Authority Functions~~

~~8.1 Licensing Authorities are required under the Act to:~~

- ~~a) Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences~~
- ~~b) Issue Provisional Statements ("in principle" licences where premises are not yet developed)~~
- ~~c) Regulate members' clubs and miners' welfare institutes who wish to~~

~~undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits~~

- ~~d) Issue Club Machine Permits to Commercial Clubs (Commercial Clubs are member clubs that operate on a "for-profit" basis)~~
- ~~e) Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres (Premises where low level gambling is permitted for children)~~
- ~~f) Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines~~
- ~~g) Grant Licensed Premises Gaming Machine Permits for premises licensed to~~
- ~~h) sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required~~
- ~~i) Register small society lotteries below prescribed thresholds~~
- ~~j) Issue Prize Gaming Permits~~
- ~~k) Receive and Endorse Temporary Use Notices~~
- ~~l) Receive Occasional Use Notices~~
- ~~m) Provide information to the Gambling Commission regarding details of licences issued (see section above on "information exchange")~~
- ~~n) Maintain registers of the permits and licences that are issued under these functions~~

~~8.2 This list may be added to on the advice of the Gambling Commission~~

~~8.3 Local licensing authorities will not be involved in licensing remote gambling. (Remote gambling is via the internet or interactive television). This will fall to the Gambling Commission via Operator Licences.~~

1. Introduction

- 1.1 This Policy sets out the principals the London Borough of Tower Hamlets (Licensing Authority) will apply in exercising our function under the Gambling Act 2005 (the 2005 Act).
- 1.2 The term 'Licensing Authority' will be used in all future references to 'the London Borough of Tower Hamlets' in this Policy.
- 1.1 This Policy replaces the previous one published on 5th December 2016 and covers the period from 5th December 2019 to 4th December 2022.
- 1.2 The Licensing Authority will formally review this Policy every three years, as required by the 2005 Act. However during this period we will keep it under review which will allow us to make any revisions we consider appropriate.
- 1.3 This Policy is written with the view to promoting the three licensing objectives of the 2005 Act:
 - i. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ii. Ensuring that gambling is conducted in a fair and open way; and

iii. *Protecting children and other vulnerable persons from being harmed or exploited by gambling.*

1.4 *As part of this licensing authority's approach to reduce gambling-related harm we support the Government proposals to reduce the maximum stakes for Fixed Odds Betting Terminals (FOBTs) to £2 and other measures regarding allocations of gaming machines and social responsibility measures to minimise the risk of gambling-related harm.*

Tower Hamlets Geographical Area

1.5 *This Policy applies to the whole of the London Borough of Tower Hamlets. The borough is a single tier authority on the East side of inner London covering an area of approximately 19 kilometers squared. It extends from Victoria park in the north down to the Isle of Dogs in the South, and extends from the A12 in the east to Brick Lane and the Tower of London in the west. A map of the geographical area of the borough can be found in **Annex 1** and this shows where Gambling premises licences have been issued within the borough.*

1.6 *The Licensing Authority has consulted widely upon its policy statement before finalising and publishing it. A list of the persons and organisations consulted is provided in **Annex 2** of the Policy adopted by the Licensing Authority. We have consulted businesses, elected representatives, community and third sector organisations and responsible authorities.*

1.7 *The 2005 Act requires that the following parties are consulted by Licensing Authorities:*

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

1.8 *The consultation took place between 19th October 2015 and 17th January 2016. The results of the consultation are summarised in **Annex 3***

Comment [TL1]: This will need to be inserted when we know

1.9 *The policy has to be approved at a meeting of the Full Council published via our website as well as being available in the Town Hall and Idea Stores.*

1.10 *It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the 2005 Act.*

1.11 *We would like to encourage the highest standards within premises that hold a licence under the 2005 Act. To assist with this we have produced a 'Gambling Best Practice Guide' to assist both new applicants and existing*

operators.

- 1.12 *The list of recommended measures listed in **Annex 4** is not exhaustive but gives an indication of some of the suitable measures and procedures that are expected in well managed premises.*

9 Policy Statement

- 2.1 *In producing this licensing policy the Licensing Authority has had regard to the 2005 Act and the guidance and codes of practice issued by the Gambling Commission and responses to the consultation on this policy.*
- 2.2 *In accordance with our legal duty under the 2005 Act when exercising our licensing functions we shall aim to permit the use of premises for gambling in so far as we consider it to be:*
- a) in accordance with any relevant code of practice issued by the Gambling Commission,*
 - b) in accordance with any relevant guidance issued by the Gambling Commission,*
 - c) reasonably consistent with the licensing objectives*
 - d) in accordance with this Policy and with reference to our Local Area Profile.*
- 2.3 *This means that where possible we will aim to moderate the impact of gambling on the Borough for example by attaching conditions to licences, rather than aiming to prevent it all together. Nonetheless, we retain the discretion not to grant a premises licence where we consider that the application does is not in keeping with the matters listed in paragraph **2.2** above.*

10 Licensing Authority Functions

- 10.1 *This Licensing Authority functions under the 2005 Act is limited to the following:*
- a) Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;*
 - b) Issue Provisional Statements ("in principle" licences where premises are not yet developed);*
 - c) Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;*
 - d) Issue Club Machine Permits to Commercial Clubs (Commercial Clubs are member clubs that operate on a "for profit" basis);*
 - e) Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres (Premises where low level gambling is permitted for children);*
 - f) Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;*
 - g) Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under*

- the Licensing Act 2003, where more than two machines are required;*
- h) Register small society lotteries below prescribed thresholds;*
 - i) Issue Prize Gaming Permits;*
 - j) Receive and Endorse Temporary Use Notices;*
 - k) Receive Occasional Use Notices;*
 - l) Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');*
 - m) Maintain registers of the permits and licences that are issued under these functions;*

This list may be added to on the advice of the Gambling Commission.

10.2 This licensing authority does not have powers to deal with any of the following as these fall within the remit of the Gambling Commission:

- a) remote gambling (Remote gambling is via the internet or interactive television),*
- b) the National Lottery,*
- c) operating licences,*
- d) personal functional licences ,*
- e) personal management licences,*
- f) gambling software,*
- g) football pools,*
- h) gaming machine manufacturers,*
- i) gaming machine suppliers,*
- j) gambling advertisements on television or other media,*
- k) the number of gaming machines that can be used on premises,*
- l) the value of the stakes or prizes allowed on gaming machines.*

Tower Hamlets Plan

10.3 This policy has also takes into consideration the Tower Hamlets Plan 2018 - 23, which sets out the Tower Hamlets Partnership's five year vision for the borough, articulating local aspirations, needs and priorities. It informs all other strategies and delivery plans of the partnership, including the council's Strategic Plan.

10.4 The key objective for Tower Hamlets Plan are:

- tackling inequality by building a strong,*
- inclusive and fair borough.*

10.5 From this it has created four themes that it will focus on:

- a better deal for children and young people: aspiration, education and skills*
- good jobs and employment*
- strong, resilient and safe communities*
- better health and wellbeing.*

To view the Tower Hamlets Plan please see the link below:

https://www.towerhamlets.gov.uk/ignl/community_and_living/community_plan

[/tower_hamlets_plan.aspx](#)

11 Competent body for the protection of children from harm

11.1 *The Licensing Authority is required to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm. When making this decision we have also had regard to Part 6 of the Gambling Commission Guidance issued under section 25 of the 2005 Act.*

11.2 *In making our decision we have decided the body must be:*

- a) responsible for child protection matters for an area covering the whole of the licensing authority's area (the whole of the Tower Hamlets);*
- b) the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.*

11.3 *The Licensing Authority is satisfied that the Local Safeguarding Children Board fulfils these requirements and have therefore designated Board as the competent body to advise on matters concerning the protection of children from harm or exploitation.*

11.4 *The contact details of all the responsible authorities are found on the Council's website at www.towerhamlets.gov.uk*

12 Interested parties

12.1 *This essential means those parties who can make representations in about licence applications, or apply for a review of an existing licence.*

12.2 *The 2005 Act defines Interested Parties as persons who, in the opinion of the licensing authority:*

- d) lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- e) has business interests that might be affected by the authorised activities,*
- f) represents persons who satisfy paragraph (a) or (b)*

12.3 *Licensing authorities are required to state in their policies the principles to be applied to determine whether a person is an interested party in relation to **4.1** above.*

12.4 *This Licensing Authority when determining whether a person is an interested party will consider each case upon its merits. In doing so we may consider relevant factors into account such as:*

- a) *the size of the premises, and nature of the activities taking place (as a larger premises may be considered to affect people over a broader geographical area compared with smaller premises offering similar facilities).*
- b) *the distance of the premises from the usual residence or workplace of the person making the representation.*
- c) *the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).*
- d) *the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.*

12.5 The Licensing Authority will not apply a rigid rule to its decision making in regards to determining what constitutes an interested party, and will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities. For instance when deciding whether a person or organisation "has business interests" we will adopt a broad interpretation to include for example partnerships, charities, faith groups, and medical practices.

12.6 We will follow the Gambling Commission's Guidance and regard such bodies as trade associations and trade unions, and residents' and tenants' associations as interested parties. However these bodies must be able demonstrate that they have a member who can be classed as an interested party under the 2005 Act i.e. paragraph 4.2 (a) above.

12.7 We will consider democratically elected persons such as Councillors and MP's as Interested parties on the condition that they provide written evidence that such elected persons 'represents' someone falls under the description in paragraph 4.2 above. A letter from one of these persons, requesting the representation will be sufficient.

12.8 Individuals may wish to approach Councillors to ask them to represent their views. If Councillors take on a representative role they will not be able to be part of the decision making process. If they are a member of the Committee they must withdraw for any hearing relating to the application.

13 Exchange of Information

13.1 Licensing Authorities are required to set out their approach to the exchange of information with the Gambling Commission and other persons. As such this section details how this Licensing Authority's policy with the control and exchange of information that has been gained in carrying out its duties and responsibilities under the 2005 Act.

13.2 The Gambling Commission can require licensing authorities to provide specific information where it forms part of a register maintained under the 2005 Act, or is in the possession of the Licensing Authority in connection with the provision of the 2005 Act. As part of this exchange of information this licensing authority like all others are required to submit a return to the

Gambling Commission at the end of each financial year. The information we submit as part of this return is as follows:

- *permits issued,*
- *temporary use notices issued,*
- *occasional use notices issued,*
- *premises inspections conducted,*
- *reasons for and outcomes of reviews.*

This data is subsequently included in the Department for Communities and Local Government Single Data List.

13.3 This policy covers the years 2018 to 2022, and we appreciate that the Gambling Commission within this period could change its requirements. Therefore this licensing authority will provide any other information requested to the Gambling Commission, provided it falls within the parameters detailed in paragraph 6.1 above.

13.4 The principle that this licensing authority applies when exchanging information with the Gambling Commission or other persons in respect of our functions under the 2005 Act is that we will act in accordance with the provisions under this legislation and the provisions of the Data Protection Act 1998 and any other associated legislation.

13.5 The licensing authority will have regard to any guidance issued by the Gambling Commission and the Information Commissioner to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

13.6 The Licensing Authority may exchange information with other persons listed below for the use of exercising our functions under the 2005 Act:

- a) constable or police force*
- b) an enforcement officer*
- c) a licensing authority*
- d) HMRC*
- e) the First Tier Tribunal*
- f) the Secretary of State*

We do not currently have any protocols with these persons however if we do adopted an information exchange protocol with any persons it will be made available if requested.

14 Inspection, compliance and enforcement

14.1 The main enforcement and compliance role for this licensing authority will be to ensure compliance with the Premises Licences and other permissions which we authorise, e.g. Granting Gaming Machine Permits in alcohol Licensed Premises. The Gambling Commission will be the enforcement body

for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by this licensing authority but will be notified to the Gambling Commission.

14.2 As per the 2005 Act and Gambling Commission Guidance this section details this licensing authority's principles that will apply in exercising our functions concerning inspection, compliance and enforcement functions, and instigating criminal proceedings.

14.3 This Licensing Authority's general principles of enforcement are set out in our Enforcement Policy, which follows the principals of the Enforcement Concordat. In addition we will be guided by the Gambling Commission's Guidance for local authorities and will have regard for the Regulators Code. Therefore we will endeavour to be:

- a) **Proportionate:** regulators should only intervene when necessary: Remedies should be appropriate to the risk posed, and costs identified and minimised;
- b) **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- c) **Consistent:** rules and standards must be joined up and implemented fairly;
- d) **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- e) **Targeted:** regulation should be focused on the problem, and minimise side effects
- f) **Avoid duplication** with other regulatory regimes so far as possible.

14.4 The licensing authority expects premises licence holders to be fully aware of, and keep to, the terms of their licence. Where Licence holders fail to adhere to the terms of their licence we will take appropriate enforcement action to ensure compliance. We will pay particular attention in this respect where there are concerns that the licensing objective relating to children is not being met in full.

14.5 This licensing authority also intends to monitor non-licensed gambling, and is especially concerned to stop non-destination gambling by children and young adults. Non destination gambling is where the destination is not primarily a gambling premises and is mainly visited for a different purpose. This typically (but not exclusively) involves gaming machines in premises open to the public such as public houses

14.6 This Licensing Authority will continue to keep informed of developments with the work from Central Government and sister organisations on the principles of Better Regulation Executive in its consideration of the regulatory functions. Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing service and on the Council's web site. Our risk methodology will also be available upon request. (A charge may be made for

hard copies).

14.7 We recognise that bookmakers and other operators may have a number of premises within Tower Hamlets. In order to ensure that compliance issues are recognised and dealt with at the earliest possible stage, operators are requested to give This licensing authority a single named contact., who should be a senior individual, and whom we will contact first should any compliance queries or issues arise. We will however, reserves the right to institute proceedings, or take other action as necessary and consistent with our general policies.

14.8 We will base our inspections and enforcement activity on the principles of risk assessment, a graduated response and the targeting of problem premises. We will not routinely carry out full premises inspections and the frequency of inspections will be determined on risk-based criteria with high-risk operations receiving more attention than premises deemed to be of low risks.

14.9 We use the templates inspection forms produced by the Leicester, Rutland and Leicestershire Licensing Forum and Leicestershire Local Economic Partnership.

14.10 To assist the targeting of the Council's enforcement activity the Council will request that operators / premises share:-

- test purchasing results (subject to the terms of primary authority agreements) ;*
- incidents in premises, which managers are likely to be required to report to head office;*
- information about numbers of self-excluded gamblers to help it develop its understanding about the risk of problem gambling in its area.*

This information will help the Council to get a clearer picture of which premises may be experiencing issues, meaning that the inspection and enforcement activity is appropriately structured, and targeted.

14.11 As per Gambling Commission Guidance and Codes of Practice, Operators are required to share their risk assessments with licensing authority when they are applying for a new premises licence or applying to vary an existing premises licence, and at the request of this licensing authority, such as when we are inspecting a premises.

14.12 Additionally, responsible authorities and interested parties under the 2005 Act may seek a review of a premises licence if they feel the premises are not properly upholding the licensing objectives.

15 The Licensing Objectives

15.1 The 2005 Act sets out three licensing objectives, and in exercising its

functions under the 2005 Act this licensing authority must have regard to these licensing objectives, which are:

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

15.2 *This licensing authority expects operators to implement measures to mitigate risks to the licensing objectives and to consider and address measures contained in this section when preparing their risk assessments. Operators should also have regard to our local area profile, which will identify possible existing or emerging risks within Tower Hamlets.*

15.3 *The Gambling Commission's guidance emphasises that moral objections to gambling, or a view that it is generally undesirable are not licensing objectives and cannot inform any decisions by the licensing authority. Moreover neither public safety nor public nuisance are licensing objectives and so cannot be considered when determining applications. These issues will largely be dealt with by the Council's Environmental Health Service via other primary legislation.*

15.4 *This licensing authority recognises that 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 in accordance with the authorities statement of licensing policy.*

15.5 *We will not consider whether the applicant is suitable to apply for a premises licence because the Gambling Commission would have already addressed this issue when granting the operator's licence. However, if any issues arise during the application process or after we have granted a licence that causes us to question the suitability of the applicant or licence holder, we will bring this to the attention of the Commission.*

15.6 *The Gambling Commission's Licence Conditions and Code of Practice (LCCP) (Social Responsibility Code) require gambling premises to undertake a local risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Annex 6.*

15.7 *The risk assessment is required to be shared with the Council where there is a new application and or a variation to an existing premises licence.*

Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

15.8 *When considering applications we will always take the location of the premises into account with regard to the crime and disorder objective. We will have particular regard to premises situated in areas of Tower Hamlets that represent a higher risk of potential vulnerability to gambling-related harm as where indicated in our local area profile.*

15.9 *When preparing their risk assessments we expect applicants to consider the following measures:*

- a) measures or actions to address crime and disorder issues around the design, layout or the look and feel of the premises. This may include steps to 'design out crime' such as changing layout, positioning of registers, CCTV, lighting and so on,*
- b) measures to address the reoccurrence of any historical crime and disorder issues,*
- c) changes to opening hours, where it is felt that amending them would address or reduce the specific concern around crime and disorder,*
- d) whether the licensee should participate in any relevant council strategy that relates (or have aspects relating) to crime and disorder,*
- e) whether training should be given to staff around crime prevention measures appropriate to the premises,*
- f) where premises are subject to age restrictions, whether additional procedures or measures could be put in place to conduct age verification checks, better supervision of entrances/age restricted machines, or to ensure there is better segregation between age restricted areas of the premises,*
- g) whether the premises has door supervisors or security,*
- h) if the licence or variation is granted, the likelihood that the grant will result in violence, public disorder or problems in respect of policing.*

This list is not exhaustive and simply indicates the types of measures that operators should consider in relation to crime and disorder.

Objective 2: Ensuring that gambling is conducted in a fair and open way

15.10 *This licensing authority has noted that ensuring that gambling is conducted in a fair and open way is a matter for the Gambling Commission, as the way gambling products are provided are subject to the conditions of the operator licence or personal licences. This will not be the case if the licensing authority becomes involved in licensing betting track operators, or if we suspect that gambling is not being conducted in a fair and open way. In both cases we will bring this to the attention of the Gambling Commission.*

Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling

15.11 *This Licensing Authority is will always take the location of the premises into*

account with regard to the children and vulnerable persons licensing objective when considering applications. We will have particular regard to premises situated in areas of Tower Hamlets that represent a higher risk of potential vulnerability to gambling-related harm where this is indicated in our local area profile.

In order to explain this licensing objective clearly, we have separated it into Children and vulnerable people.

Children

- 15.12 Protecting children from being harmed or exploited by gambling means:
- a) preventing children from taking part in gambling and,
 - b) restricting activities such as advertising, so that gambling products are not aimed at or appear attractive to children.
- 15.13 To ensure the above we will pay particular attention to licence applications for premises situated near schools or areas where there may be a high concentration of children or families.
- 15.14 When considering the operators risk assessment, we will assess the measures the operator has in place to mitigate the risks to this licensing objective. Following which we will decide whether further specific measures are required at particular premises such as
- a) supervision of entrances to the premises
 - b) supervision of gaming machines and
 - c) the separation of certain areas within the premises
- 15.15 Where category C, B or A machines are on offer in premises to which children are admitted we will ensure:
- a) 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 in preventing access other than through a designated entrance,
 - b) the premises has appropriate signage indicating that access to that area where such machines are located is restricted to persons under the age of 18
 - c) only adults are admitted to the area where the machines are located
 - d) access to the area where the machines are located is supervised
 - e) the area where the machines are located is arranged so that the staff or the licence holder can observe it.

Separate requirements apply to alcohol-licensed premises that hold a gaming machine permit. **These are detailed later on in this Policy.**

Vulnerable People

- 15.16 This Licensing Authority does not seek to stop particular groups of adults from gambling or gaming in the same way that we seek to stop children. However, we are concerned about the potential for vulnerable people to be

harmed or exploited by gambling.

15.17 The Gambling Commission Guidance does not seek to define 'vulnerable persons' however, for regulatory purposes, it does assume that vulnerable persons includes the following:

- a) people who gamble more than they want to,*
- b) people who gamble beyond their means,*
- c) people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.*

15.18 This Licensing Authority recognises that there are many serious issues that can be a consequence of problem gambling, and therefore presents a greater risk of harm to vulnerable persons. These can include but are not limited to:

- a) job loss and absenteeism,*
- b) poor work/study performance,*
- c) stress depression and anxiety,*
- d) suicide,*
- e) poor health,*
- f) financial hardship, debts and bankruptcy,*
- g) resorting to crime/theft and imprisonment,*
- h) neglect of family,*
- i) impacts on others,*
- j) relationship breakdown,*
- k) domestic violence.*

15.19 Problem gambling, particularly with the young, can sometimes be an indication of other issues, such as anti-social behaviour problems. When we become aware of issues associated with problem gambling and vulnerable people, we will seek to work closely with the gambling premises operator, the Gambling Commission and other relevant services within the Council.

15.20 This Licensing Authority will have regard to our local area profile and pay particular attention to applications for premises near venues where, for example, Gamblers Anonymous groups (or similar) meet, residential homes and hospitals, when dealing with gambling premises applications. In considering the above, we will base our decision on whether the proximity of the premises to the vulnerable group is likely to present a risk to this licensing objective. Where we have relevant evidence, we may consider the likelihood of vulnerable people using the premises, whether they have other reason to be in the proximity or not. This could be, as an example, through complaints made to us or through representations made about an application.

15.21 When determining an application and this issue is raised, we will also take into account the operator's risk assessment and assess the controls that are in place (or will be in place) to protect vulnerable people and promote

the licensing objectives at the premises. Depending on the circumstances, we may have particular regard to:

- a) *the size of the premises,*
- b) *staffing levels at the premises,*
- c) *procedures in place to identify a vulnerable person and to stop a vulnerable person from gambling,*
- d) *the location and type of gaming machines on the premises,*
- e) *arrangements in place to supervise the gaming machines.*

PART B - Premises Licences and other matters

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 others, where it is believed to be appropriate.

2 *Duplication with other regulatory regimes and licensing objectives*

- 2.1 *This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. The 2005 Act makes it clear that 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 when considering applications. However we will 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.*

3 Premises

- 3.1 Premises are defined in the 2005 Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However it is possible for a single building to be subject to more than one premises licence provided they are for different parts of the building. Different parts of the building can reasonably be regarded as being separate premises will always be a question of fact in the circumstances. However areas of a building that is artificially or temporarily separate can be properly regarded as different premises.
- 3.2 A premises licence can authorise the provision of facilities for the following types of premises :
- a) casino
 - b) bingo
 - c) betting, including tracks and premises used by betting intermediaries
 - d) adult gaming centre (AGC)
 - e) licensed family entertainment centre (FEC)
- 3.3 The processing of applications for premises licences is our main function in terms of local gambling regulation and a key means by which we can ensure that risks to the licensing objectives are mitigated effectively.
- 3.4 This licensing authority will take particular note of the Gambling Commission’s Guidance to local authorities that: -
- "Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a

discrete part of a building used for other (non-gambling) purposes. In particular they should be aware 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”

- "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), especially if this raises issues in relation to children. There will be specific issues that authorities should consider where 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."

~~2.3 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This 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.~~

~~3 — Location~~

~~3.1 This licensing authority is aware that demand issues (for example whether or not there is sufficient customer demand to make a site commercially viable) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In line with the Gambling Commission’s Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.~~

~~3.2 It is the licensing authority’s view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums. However any such 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 the concerns can be overcome.~~

~~3.3 The licensing authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would not be harmful to the licensing objectives.~~

~~3.4 From 6 April 2016, the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) made it a requirement under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.~~

~~3.5 The LCCP goes on to say licensees must reviewed and update as necessary: their local risk assessments:~~

- ~~a) to take account of significant changes in local circumstance, including those identified in this policy;~~
- ~~b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;~~
- ~~c) when applying for a variation of a premises licence; and;~~
- ~~d) in any case, undertake a local assessment when applying for a new premises licence.~~

~~3.6 The licensing authority expects the local risk assessment to consider as a minimum issues *presented by the local landscape, such as;*~~

- ~~● *Exposure to vulnerable groups;*~~
- ~~● *Identification of local specific risks;*~~
- ~~● *Type of footfall – children, visitors, families, residents;*~~
- ~~● *Educational facilities;*~~
- ~~● *Community Centers;*~~
- ~~● *Homelessness /rough sleeper hostels, provision of support services.*~~

~~3.7 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.~~

~~3.8 Other matters that the assessment may include:~~

- ~~● The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.~~
- ~~● Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.~~
- ~~● The layout of the premises so that staff have an unobstructed view of persons using the premises;~~
- ~~● The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.~~
- ~~● Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained~~

personnel, leaflets, posters, self exclusion schemes, window displays and advertisements not to entice passers by etc.

- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

3.9 To assist operators, Annex 6 sets out the Council's Gambling Local Area Profiles criteria.

4 Duplication with other regulatory regimes and licensing objectives

4.1 This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority 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.

5 Licensing Objectives

5.1 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.

5.2 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 organized 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. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions. These will be addressed by the relevant regulatory authority e.g. Environmental Health.

5.3 Ensuring that gambling is conducted in a fair and open way. This

licensing authority has noted that ensuring that gambling is conducted in a fair and open way is a matter for the Gambling Commission. This will not be the case if the licensing authority becomes involved in licensing betting track operators.

~~5.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling.~~ This licensing authority has noted the Gambling Commission Guidance to local authorities 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.

~~5.5 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.~~

~~5.6 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 impairment, 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.~~

4 Adult Gaming Centres (AGC)

4.7 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 ensure that under 18 year olds do not have access to the premises.

Appropriate licence conditions may cover issues such as:

- *Proof of age schemes*
- *CCTV*
- *Door supervisors*
- *Supervision of entrances / machine areas*
- *Physical separation of areas*
- *Location of entry*
- *Notices / signage*
- *Specific opening hours*
- *Self-barring schemes*
- *Provision of information leaflets/ helpful numbers for organisations such*

as GamCare

4.2 This list is neither mandatory nor exhaustive, and is merely indicative.

4.3 An AGC premises is entitled to the following allocation of gaming machines:

If the licence was granted on or after 13 July 2011:

- a) a maximum of 20% of the total number of gaming machines which are available for use on the premises may be category B3 or B4 (but not B3A) machines
- b) any number of Category C or D machines

If the licence was granted before 13 July 2011:

- a) four category B3 or B4 (but not B3A) machines, or 20% of the total number of gaming machines which are available for use on the premises, whichever is the greater
- b) any number of Category C or D machines

5 Licensed Family Entertainment Centres FEC

5.1 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 ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/ helpful 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, is it merely indicative.

5.2 An FEC are allowed any number of Category C or D gaming machines. However where children and young persons are permitted to enter an FEC and may use category D machines. Persons under the age of 18 years are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machine, so that under-18s do not have access to them.

5.3 This licensing authority will, in accordance with the Gambling Commission's

guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C. Category C machines give a higher payout than children are permitted to use should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

6 Casinos

- 6.1 Section 166 of the 2005 Act, allows licensing authorities to resolve not to issue casino premises licences. This licensing authority has consulted with residents and businesses to seek their views before deciding whether to make such a resolution. As a result of the consultation the council has resolved not to issue casino premises licences. This was decided by Full Council on 18th September 2013.

7 Bingo premises

- 7.1 Gambling Commission Guidance identifies Bingo as "equal chance gaming", and has published its view on what Bingo is and how it differs from other forms of gambling. To aid applicants we have attached this advice note to this policy, see Annex 4. However it must be stressed that this advice note from the Gambling Commission does not alter the meaning of Bingo as described in the 2005 Act. It merely seeks to offers the advice to help bingo operators avoid creating and offering products that the Gambling Commission considers to be casino games, lotteries or fixed odds betting.

- 7.2 A bingo premises licence allows the primary activity of bingo and the following allocation of gaming machines

If the licence was granted on or after 13 July 2011:

- a) a maximum of 20% of the total number of gaming machines which are available for use on the premises may be category B3 or B4 (but not B3A) machines
- b) any number of Category C or D machines

If the licence was granted before 13 July 2011:

- a) eight category B3 or B4 (but not B3A) machines, or 20% of the total number of gaming machines which are available for use on the premises, whichever is the greater
- b) any number of Category C or D machines

- 7.3 Bingo premises and children/young persons (persons under 18 years). Children and Young persons are allowed into Bingo Premises. However where a premises allows children/young persons into the premises they are not permitted to participate in Bingo. Moreover where the premises has Category B or C gaming machines available for use these must be separated from where children/young persons are permitted.

- 7.4 As per Gambling Permission Guidance this licensing authority will follow the

Social Responsibility Code, which states that all licensees must ensure that they their policies and procedures take account of the structure and layout of their premises in order to prevent underage gambling. This may include effective measure to ensure:

- all category B or C gaming 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 these machines are located;*
- access to the area where these machines are located are supervised;*
- the area where these 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.";*
- Effective monitoring procedures to ensure that children do not participate in bingo.*

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

8 Betting Premises

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

8.2 We expect such premises to have clear policies and procedures in place to ensure that staff have clear line of sight to ensure staff can monitor the use of Betting Machines to ensure that vulnerable such as problem gamblers can be identified and dealt with as per operators Social Responsibilities Policies and Procedures. This will mean that staff within such premises should be appropriately trained to identifies such persons and know their employers policies and procedures to enable them to correctly assist vulnerable persons to reduce the risk of gambling related harm.

8.3 A betting premises licence allows the primary activity of betting and the following allocation of gaming machines

a) *Maximum of four gaming machines of categories B2, B3, B4, C or D (excluding category B3A).*

8.4 *Holders of a Betting Premises licence are permitted (at our discretion) to have betting machines, known as Self-service Betting Terminals (SSBTs). A SSBT is different from a gaming machine as it is designed or adapted to allow betting on “real events”. For example, some premises may have betting machines that accept bets on live events, such as horse racing as a substitute for placing a bet in person over the counter.*

8.5 *Licensing Authorities have powers to restrict the number of SSBTs in certain premises Betting Premises and Casinos). This restriction is done via adding conditions to the premises licence. When considering whether to impose a condition to restrict the number of SSBTs in particular premises, this licensing authority, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people. We will also consider the nature of SSBT and the circumstances by which they are made available. This may include:*

- a) *the size of the premises*
- b) *the number of counter positions available for transactions; and/or*
- c) *the number of staff to monitor the use of the machines by children and young persons or vulnerable people.*
- d) *whether the machines have been, or are likely to be used in breach of the licensing objectives.*

9 *Tracks – (This section refers to where racing takes place, such as horse or greyhound racing) and other matters*

9.1 *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 accordance with the Gambling Commission’s Guidance, this licensing 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.*

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

9.3 *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

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

9.5 Track Premises are permitted to have the following gaming machines in the following circumstances:

- a) Where the owners hold both a Track Premises Licence and a Pool Betting Operating Licence (issued by the Gambling Commission) they may site up to four category B2 to D machines on the track;
- b) Tracks that hold an alcohol licence are automatically entitled under s.282 of the 2005 Act to have two gaming machines of category C or D (please note to activate this entitlement the premises must notify the licensing authority, see Part C below for more information);
- c) Track premises that fall into both a and b above, i.e. have an alcohol licence and hold both a Track Premises and Pool Betting Operating Licences are may have six gaming machines (two via the alcohol licence and four via the premises/operating licences).

9.6 Track Premises that hold a Pool Betting Licence will have conditions that the operator must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these. As a result this licensing authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18s to bet) or by vulnerable people, when considering the number /nature / circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

9.7 Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

9.8 Applications and plans - This licensing 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."

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

10 Travelling Fairs

- 10.1 *It will fall to this licensing authority to decide whether, and where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs. This will be decided on the condition that the statutory requirement that the facilities for gambling must be ancillary amusement at the fair and not its main purpose.*
- 10.2 *The licensing authority will expect applicants to show how they will meet the licensing objectives, in particular in relation to children and young persons.*
- 10.3 *The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair in that it must not be on a site that has been used for fairs on more than 27 days per calendar year.*
- 10.4 *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. This is regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.*

5 Provisional Statements

- 5.7 *Developers may wish to apply for a provisional statement before entering into a contract to buy or lease property or land. This may allow the developer to judge whether a development is worth taking forward in light of the need to obtain a premises Licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.*
- 5.8 *A person can to make an application for a provisional statement in respect of premises that they:*
 - a) *expect to construct,*
 - b) *expect to alter or,*
 - c) *expect to acquire a right to occupy.*
- 5.9 *Whilst applicants for premises licences must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply in relation to an application for a provisional statement.*
- 5.10 *In circumstances where an applicant has also applied to the Gambling Commission for an operating licence, the Gambling Commission has stated that licensing authorities should not speculate on or otherwise take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement.*

- 5.11 *The process for considering an application for a provisional statement is the same as that for a premises licence application and thus must be accompanied by plans and the prescribed fee. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.*
- 5.12 *Following the construction, alteration or acquirement of the premises for which the provisional statement relates to, the licence holder may subsequently apply for a premises licence. The Licensing Authority will be constrained in the matters we can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:*
- a) they concern matters which could not have been addressed at the provisional statement stage, or*
 - b) they reflect a change in the applicant's circumstances.*
- 5.13 *In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:*
- a) which could not have been raised by objectors at the provisional statement application stage;*
 - b) which in our opinion reflect a change in the operator's circumstances; or*
 - c) where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan. We can discuss any concerns we may have with the applicant before making a decision.*

6 Location and Local Risk Assessments

- 6.7 *This licensing authority is aware that demand issues (for example whether or not there is sufficient customer demand to make a site commercially viable) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In line with the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.*
- 6.8 *It is the licensing authority's view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums. However any such 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 the concerns can be overcome.*
- 6.9 *The licensing authority will need to be satisfied that there is sufficient evidence*

that the particular location of the premises would not be harmful to the licensing objectives.

- 6.10 From 6 April 2016, the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) made it a requirement under the Social Responsibility (SR) code, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making local risk assessments, licensees must take into account relevant matters identified in this policy and local area profile.*
- 6.11 The LCCP states that licensees must undertake a local risk assessment when applying for a new premises licence and this must be reviewed and update as necessary:*
- e) to take account of significant changes in local circumstance, including those identified in this policy;*
 - f) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;*
 - g) when applying for a variation of a premises licence; and;*
 - h) in any case, undertake a local assessment when applying for a new premises licence.*
- 6.12 Licence holders are also required to provide this licensing authority with a copy of their local risk assessment when applying for a premises licence or applying for a variation to an existing premises licence. We can also request a copy of the local risk assessment at any other time, for example, when we are inspecting premises.*
- 6.13 Where concerns exist or new risks emerge we may ask a licence holder to provide a copy of their local risk assessment, setting out the measures they have in place to address specific concerns. Licence holders may wish to consider the benefit of making their local risk assessment available to responsible authorities and interested parties.*
- 6.14 The licensing authority expects the local risk assessment to consider as a minimum issues presented by the local landscape, such as;*
- Exposure to vulnerable groups;*
 - Identification of local specific risks;*
 - Type of footfall – children, visitors, families, residents;*
 - Educational facilities;*
 - Community Centers;*
 - Homelessness /rough sleeper hostels, provision of support services.*
- 6.15 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.*
- 6.16 Other matters that the assessment may include:*

- *The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.*
- *Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.*
- *The layout of the premises so that staff have an unobstructed view of persons using the premises;*
- *The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.*
- *Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.*
- *The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.*
- *Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.*

6.17 *To assist operators, Annex 6 sets out the Council's Gambling Local Area Profiles criteria.*

7 The application and decision making process

7.7 *When this Licensing we receives an application for a premises licence, we must consult interested parties and responsible authorities as set out in Part A above. These interested persons/responsible authorities can make comments about applications for premises licences, which are known formally as 'representations'.*

7.8 *Generally, where we receive a valid representation, i.e. it relates to either the licensing objectives, matters in this Policy or the Gambling Commissions Codes or Practice or Guidance, we will normally refer the application to the Licensing Committee or Sub-Committee for determination at a hearing. In determining applications, the Committee shall aim to permit the use of premises for gambling in so far as we consider it to be:*

- a) in accordance with any relevant Code of Practice or guidance issued by the Gambling Commission,*
- b) reasonably consistent with the licensing objectives,*
- c) in accordance with this Policy.*

7.9 The Committee cannot consider any of the following when determining an application:

- a) moral objections (Licensing Authorities cannot base their decision on a dislike of gambling, or a general notion that it is undesirable to allow gambling premises in within their area),
- b) planning (as detailed earlier in this policy Licensing Authorities cannot have regard to planning or building control permissions or any planning restrictions when deterring applications under the 2005 Act),
- c) demand (Licensing Authorities cannot take into account issues around the demand for gambling premises).

8 Representations and Hearings

8.7 Where this licensing authority receives a representation from an interested party or responsible authority, we must first confirm that it is a valid representation.

8.8 For a representation to be valid it must be:

- a) Made by an Interested Party or a Responsible Authority,
- b) Not be considered to be vexatious or frivolous,
- c) Be relevant to application,
- d) Detail how the application will negatively affect one or more of the licensing objectives.

8.9 Where an interested party or responsible authority makes a valid representation as mentioned above section 7 above we will refer the application to the Licensing Committee or Sub-Committee for determination at a hearing. Those who have made a valid representation should attend the hearing as failure to do so could reduce the weight that the Committee places on representation. Where an interested person makes a representation and wishes to be represented by another person or organisation at the hearing they must give this licensing authority a written notice requesting to be represented by that person or organisation.

8.10 Interested parties and responsible authorities can make representations about licence applications, or apply for a to review an existing licence (see below).

8.11 As detailed in **section 5 of Part A above** Trade associations, trade unions and residents and tenants' associations can be interested parties, if they can demonstrate they are representing a member who lives sufficiently close to the premises, or is likely to be affected by the activities being applied for. Similarly Elected Councillors and MPs may also be interested parties provided they are acting on behalf of their constituents see **Part A, Section 5** for more information.

9 Licence fees

9.7 *This Licensing Authority will calculate and collect fees from gambling operators to meet the costs of carrying out our licensing functions under the 2005 Act. The intention of the government is that fees will cover our costs for administration (including hearings and appeals), inspection and enforcement of the licensing regime. Current fees are available on our website.*

10 **Conditions**

10.7 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.

10.8 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures, this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas.

10.9 *We will not duplicate any conditions or requirements attached to a premises licence by the Gambling Act, Gambling Commission Codes of Practice or Secretary of State (unless they are default conditions that we may substitute accordingly) or conditions attached to an operator's licence or personal licence.*

~~6.3 The Gambling Commission has produced a list of sample conditions, and these are reproduced at Annex 5. These could be imposed in a number of circumstances to address evidence based concerns.~~

10.10 *The following are some but not all matters that operators are likely to be required to comply with by virtue of the 2005 Act, Regulations, mandatory conditions, default conditions or Codes of Practice:*

- a) Proof of Age schemes,*
- b) CCTV,*
- c) supervision of entrances and machine areas,*
- d) physical separation of areas,*
- e) whether the premises may hold a licence to provide alcohol,*
- f) location of entry to the premises,*
- g) notices and signage about persons under 18 years of age not entering the premises,*
- h) opening hours,*
- i) self-barring schemes and,*
- j) provision of information leaflets and helpline number of gambling self- help organisations.*

10.11 There are specific comments made in this regard under each of the licence

types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively. The licensing authority will consider the following specific measures in relation to all licensed premises, to the extent that they are relevant to a specific application:

- Leaflets aimed at giving assistance to problem gamblers clearly displayed in prominent areas and also more discreet areas such as toilets;
- Self-exclusion forms available;
- The odds clearly displayed on all fixed odds machines;
- All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display stickers with GamCare (or replacement organisation) Helpline information prominently displayed;
- There must be clear visible signs of any age restrictions in any gaming or betting establishments. Entrances to gambling and betting areas must be well supervised and age verification vetting operated;
- Posters with details of GamCare's (or replacement organisation) telephone number and website.

The above list is not exhaustive.

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

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

Conditions we cannot attach to licences

10.16 It is recognised that there are conditions which the licensing authority cannot attach to premises licences which are:

- a) any condition on the premises licence which makes it impossible to comply with an operating licence condition,
- b) conditions *that* relating to gaming machine categories, numbers, or method of operation;
- c) conditions which provide that membership of a club or body be required (the ~~Gambling Act 2005~~ *Act* specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- d) conditions in relation to stakes, fees, winning or prizes

Applicants will however need to demonstrate social responsibility and adhere to best practice in the protection of the vulnerable.

11 Door Supervisors

11.1 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.

11.2 The Private Security Industry Act 2001 regulates the private security industry in England, Wales and Scotland, and is responsible for licensing individuals working within the various industry sectors. The majority of persons employed to work as door supervisors at premises licensed for gambling, and carrying out the functions listed under Schedule 2 Part 1 of the above act, will need to be licensed by the SIA.

11.3 ~~The Private Security Industry Act 2001~~ *The above requirement however is*

relaxed when applied to ~~exempts~~ door supervisors for casinos and bingo halls. *Where contract staff are employed as door supervisors at casinos or bingo halls, such staff will need to be licensed by the SIA. However, in-house employees working as door supervisors these premises are exempt from these requirements.* ~~from requiring a Door Supervisors Licence.~~ Irrespective of the *provision* this *licensing* authority will require door supervisors used at these premises to be licensed.

- 11.4 For other premises, where supervision of entrances/machines is appropriate any requirements for door supervisors or others will be on a case by case basis. In general betting offices will not require door supervisors for the protection of the public. A door supervisor will only be required if there is clear evidence that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

~~8~~Adult Gaming Centres

~~8.1 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 ensure that under 18 year olds do not have access to the premises.~~

~~Appropriate licence conditions may cover issues such as:~~

- ~~• Proof of age schemes~~
- ~~• CCTV~~
- ~~• Door supervisors~~
- ~~• Supervision of entrances / machine areas~~
- ~~• Physical separation of areas~~
- ~~• Location of entry~~
- ~~• Notices / signage~~
- ~~• Specific opening hours~~
- ~~• Self-barring schemes~~
- ~~• Provision of information leaflets/ helpful numbers for organisations such as GamCare~~

~~8.2 This list is neither mandatory nor exhaustive, and is merely indicative.~~

~~9~~(Licensed) Family Entertainment Centres:

~~9.1 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 ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:~~

- ~~• Proof of age schemes~~
- ~~• CCTV~~

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

9.2 ~~This list is not mandatory, nor exhaustive, is it merely indicative.~~

9.3 ~~This licensing authority will, in accordance with the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C. Category C machines give a higher payout than children are permitted to use should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.~~

10 ~~Casinos~~

10.1 ~~The Gambling Act, section 166, allows licensing authorities to resolve not to issue casino premises licences. The licensing authority has consulted with residents and businesses to seek their views before deciding whether to make such a resolution. As a result of the consultation the council has resolved not to issue casino premises licences. (Council decision 18th September 2013)~~

11 ~~Bingo premises~~

11.1 ~~This licensing authority recognises that the Gambling Commission's Guidance states:~~

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

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

persons under 18."

~~11.2 This licensing authority is aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.~~

12 Betting Premises

~~12.1 Betting Machines – This licensing authority will have regard to the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.~~

13 Tracks – (This section refers to where racing takes place, such as horse or greyhound racing) and other matters

~~13.1 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 accordance with the Gambling Commission's Guidance, this licensing 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.~~

~~13.2 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~~

~~13.3 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~~

~~13.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.~~

~~13.5 Gaming machines – Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission’s Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use their entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young people are not prohibited from playing category D gaming machines on a track.~~

~~13.6 Betting machines – This licensing authority will, having regard to the Gambling Commission’s Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number /nature / circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission’s suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.~~

~~13.7 Condition on rules being displayed – The Gambling Commission has advised in its Guidance for local authorities that “licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.”~~

~~13.8 Applications and plans – This licensing 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.”~~

~~13.9 This licensing authority also notes that in the Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.~~

~~14 Travelling Fairs~~

~~14.1 It will fall to this licensing authority to decide whether, and where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, provided that the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.~~

~~14.2 The licensing authority will expect applicants to show how they will meet the licensing objectives, in particular in relation to children and young persons.~~

~~14.3 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.~~

~~14.4 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.~~

~~15 Provisional Statements ("in principle" licences where premises are not yet developed)~~

~~15.1 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".~~

~~15.2 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.~~

~~15.3 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.

16 Reviews:

16.1 *This Licensing Authority may review a premises licence; or an interested party or responsible authority may apply to review a premises licence. When determining whether to initiate a review, we shall have regard to our This Policy, Gambling Commission Guidance and the Council's Enforcement Policy.*

16.2 ~~Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for t~~*The* licensing authority to *will* decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, ~~as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/ revoke/ suspend the licence, or whether it is substantially the same as previous representations or requests for review:~~

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

16.3 *We will also consider whether the request is frivolous, vexatious, will 'certainly not' cause this licensing authority to alter/ revoke/ suspend the licence, or whether it is substantially the same as previous representations or requests for review (i.e. it is repetitive).*

16.4 *The licensing authority may initiate a review of a particular premises licence, or particular class of premises licence where it is appropriate, for instants if:*

- a) it has reason to suspect that premises licence conditions are not being observed,*
- b) the premises is operating outside of the principles set out in the licensing authority's statement of policy,*
- c) there is evidence to suggest that compliance with the licensing objectives is at risk,*
- d) for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.*

16.5 *Applications for a review of a premises licence must be submitted to the Licensing Authority on a prescribed form. The application must also state the reasons what the review is being requested, together with any supporting information and documents. The applicant must also, within 7 days of making their application.*

- 16.6 Once this licensing authority receives a valid application for a review, responsible authorities and interested parties can make representations during a 28-day period. This period begins seven days after we receive the application. We will publish notice of the application within seven days of receipt, in line with the Gambling Act 2005 (Premises Licences)(Review) Regulations 2007. Within this seven day period the applicant must provide a written notice of their application to the licence holder and all responsible authorities. Failure to do this will halt the application process until this notice is received by these parties.
- 16.7 We will carry out the review as soon as possible after the 28-day period for making representations has passed. The review will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to us are:
- a) add, remove or amend a licence condition imposed by us
 - b) exclude a default condition imposed by the Secretary of State or remove or amend such an exclusion
 - c) suspend the premises licence for a period not exceeding three months and
 - d) revoke the premises licence.
- 16.8 In determining what action, if any, we should take following a review, we will have regard to any relevant representations and the principles set out in paragraph 2.2 of the policy statement above.
- 16.9 This licensing authority may also initiate a review of a premises licence because a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 16.10 Once we have completed the review will notify the following as soon as possible:
- a) the licence holder,
 - b) the applicant for review (if any),
 - c) the Gambling Commission,
 - d) any person who made representations,
 - e) the chief officer of police, and
 - f) Her Majesty's Commissioners for Revenue and Customs.

PART C - Permits / Temporary & Occasional Use Notice

1 Permits and Notices

- 1.1 A permit or notice is required when premises provide a gambling facility, but either the stakes and prizes are very low, or gambling is not the main function of the premises.
- 1.2 This licensing authority is responsible for issuing and receiving the following

types of permits and notices:

- a) gaming machine permit*
- b) prize gaming permit*
- c) club gaming and club machine permit*
- d) unlicensed family entertainment centre permit*
- e) travelling fairs*
- f) temporary use notice*
- g) occasional use notice*

- 1.3 We have chosen not included specific details of the stakes and prizes for the various permits and have only provided minimal information regarding the numbers of permitted machines, because the government may change this information during the life of this Policy. We advise readers to refer our website or the Gambling Commission's website for up to date information.*
- 1.4 Permits and Notices often related to the Gaming Machines available for use in unlicensed premises under the 2005 act. These Gaming Machines are commonly referred to as 'fruit machines' or 'one arm bandits' and fall into categories depending on the stake required to play them and the value of the maximum prize available. Generally,*
- a) Category A machines have no limits on prizes or stakes, but would only be permitted at a regional casino.*
 - b) Category B machines can be provided in casinos, betting premises, bingo premises, adult gaming centres and private members clubs. These machines can give a much higher prize and there is a restriction on the number of machines allowed in those premises.*
 - c) Category C machines are the type most commonly found in pubs and have a maximum prize value that is significantly lower than category B.*
 - d) Category D machines are the type commonly found in amusement arcades and have lower value prizes and stakes. These may also include "Crane Grab" machines. Some of these are incorrectly labelled as "Skill Machine". Machines fitted with a compensator, which allows it to be converted from a skill machine to a gaming machine, are classified as a gaming machine and need to be clearly marked as such.*
- 1.5 Further more detailed guidance on Permits and Notices is available on The Gambling Commissions website www.gamblingcommission.gov.uk.*
- 1.6 It should be noted that a licensing authority can only grant or refuse a permit. It cannot attach conditions to permits.*

2 Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

- 2.1 These are Where premises, which do not hold a premises licence but wishes to provide gaming machines. To provide gaming machines it may must apply to this licensing authority for this permit. A UFEC is likely to cater to families, including unaccompanied children and young persons and are likely to be arcade style premises. 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.

~~1.2A licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission~~

2.2 The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permit. Licensing authorities will want to give weight to child protection issues."

2.3 The *licensing authority* Guidance also states: "An *can only grant an* application for a permit ~~may be granted only~~ if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centres (UFEC), and if the chief officer of police has been consulted on the application. *In line with Gambling Commission Guidance this* licensing authority ~~ies might wish to~~ *may also* consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
- that the applicant has no relevant convictions and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

~~1.5It should be noted that a licensing authority cannot attach conditions to this type of permit.~~

2.4 *As per this Policy* ~~Statement of Principles~~ This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. Location will also be expected to be dealt with, and it is this licensing authority view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums and places of worship. *As a result we will take location into account when considering and application for a permit for a UFEC premises.*

~~1.7This licensing authority will also expect that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; that the applicant has no relevant convictions and that staff are trained to have a full understanding~~

of the maximum stakes and prizes.

3 (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. Full definitions of the Gaming Machine Categories can be found on the Council's website;

www.towerhamlets.gov.uk. The premises merely need to notify the licensing authority. In relation to all applications the licensing authority will use nationally recommended forms from LACORS as far as possible. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the Premises

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 issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant." The licensing authority will require that an application for more than two machines is considered against the above and the matters in 2.3 below before it is granted or refused.

Notifications

3.1 *There is provision in the 2005 Act for premises licensed to sell alcohol for consumption on the premises under the Licensing Act 2003, to automatically entitlement to have 2 gaming machines of categories C or D. Full definitions of the Gaming Machine Categories can be found on the Gambling Commission's website.*

Premises wishing to take advantage of this automatic entitlement need to give written notice to the licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee. This notice must be from the person/organisation who holds the premises licence, and if the person/organisation ceases to be the holder of the relevant alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Restaurants or similar premises are excluded from having gaming machines where they have a condition requiring alcohol to be sold as ancillary to food.

3.2 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 2005 Act (e.g. for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming);
- the premises are mainly used for gaming; or
- an offence under the 2005 Act has been committed on the premises.

In this situation, we will give the licence holder at least 21 days notice of our intention to make remove this entitlement and consider any representations they may wish to make. Where requested by the licence holder we will hold a hearing before we make a final determination.

Permits

3.3 If a premises wishes to exceed the automatic entitlement of two machines, they must apply to us for a permit for more than two machines. This permit replaces the automatic entitlement to two machines and is not an addition to it.

3.4 This licensing authority will consider such applications based upon the licensing objectives, the Gambling Commissions Guidance, and any other matters that we think relevant.

3.5 We will decide each application on its own merits but generally:

- a) We may consider the size of premises and whether the numbers of machines applied for is appropriate in light of the licensing objectives and whether the premises is being “mainly used” for gambling.
- b) We shall have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. We will expect the applicant to provide sufficient measures to ensure that persons under 18 years of age do not have access to adult only gaming machines and that the permit holder can comply the Gambling Commission’s Codes of Practice.
- c) Whether there are any issues in the premises history relating to the gambling licensing objectives that the Licensing Authority should properly consider when deciding whether to grant a permit.

3.6 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be an **emphasis** regard to on the need to protect children and vulnerable persons from harmed or being exploited by gambling **as detailed in paragraph 1.3 (b) above**. ~~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 **in respect of this are** that

there will be no access to under 18s **and** may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines **to ensure they** are not being used by those under 18. Notices and signage may also be help.

- 3.7** As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 3.8** 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.
- 3.9** The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. **However we cannot attach any other** conditions ~~(other than these)~~ **cannot be attached.**
- 3.10** The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

4 Prize Gaming Permits

- 4.1** *Prize gaming takes place when the number of people playing does not determine the nature and size of the prize, or the amount paid for or raised by the gaming. The operator determines the prize before play commences.*
- 4.2** The 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”.
- 4.3** This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that ~~he or she is~~ **they intend** ~~intending~~ **intend** to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - and that the gaming offered is within the law.
- 4.4** 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.
- 4.5** *When determining a prize gaming permit application, this licensing authority will have regard to our local area profile and consider whether:*
- a) the applicant clearly understands the limits to stakes and prizes that they propose to offer and the gaming is within the law,*

- b) *the premises where gaming is proposed to be offered is not situated in the vicinity of areas that may overly attract young people, such as schools, after school care, parks or playgrounds,*
- c) *the applicant has any relevant convictions,*
- d) *the offering of prize gaming is in accordance with the licensing objectives. This may include whether offering prize gaming on the premises is likely to attract or perpetuate issues around crime and disorder in the area or issues around children and young people or the vulnerable,*
- e) *the police have raised any objections relevant to the licensing objectives.*

The above list is not exhaustive, but an indication of the types of issues that we may consider when we receive an application for a prize gaming permit.

4.6 It should be noted that *although the licensing authority cannot attach conditions,* there are conditions in the ~~2005 Gambling Act 2005~~ by which the permit holder must comply, ~~but that the licensing authority cannot attach conditions.~~ These 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.

5 Club Gaming and Club Machines Permits

5.1 *As per the Gambling Commission Guidance, a Licensing Authority may grant or refuse the permit, but it cannot attach conditions to them. Licensing Authorities must also inform the applicant, the Gambling Commission and the police of the outcome of the application for a permit and any objections made.*

5.2 *Licensing Authorities may only refuse an application for a permit on the following grounds:*

- i. *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;*
- ii. *the applicant's premises are used wholly or mainly by children and/or young persons;*
- iii. *an offence under the 2005 Act or a breach of a permit has been committed by the applicant while providing gaming facilities;*
- iv. *a permit held by the applicant has been cancelled in the previous ten*

- years; or
- v. *an objection has been lodged by the Commission or the police.*

5.3 *There is also a 'fast-track' procedure available under the 2005 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 licensing authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Gambling 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:*

- i. *that the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the 2005 Act;*
- ii. *in addition to the prescribed gaming, the applicant provides facilities for other gaming; or*
- iii. *a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."*

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

Club Gaming Permits

5.5 *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.*

5.6 *Miners' welfare clubs are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust, which has received fund from one or a number of mining organisations.*

5.7 *A members clubs must:*

- a) *have at least 25 members,*
- b) *be established for, and conducted wholly or mainly for, purposes other than gaming (unless gaming is permitted by separate regulations),*
- c) *be permanent in nature,*
- d) *not established to make a profit; and*
- e) *controlled by its members equally.*

5.8 *Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."*

5.9 *The Club Gaming Permit will enable the premises to provide a total maximum of three (3) gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement of The permit also allows equal chance gaming and games of chance, such as Pontoon. 56 For detailed and up-to-date list of permissions, stakes and prizes please see the Gambling Commission's website.*

5.10 *A club gaming permit lasts for ten years unless it ceases to have effect because it is surrendered, cancelled or forfeited.*

~~4.2A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).~~

~~4.3 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."~~

~~4.4 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.~~

~~4.5 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:~~

- ~~a) that the club is established primarily for gaming, other than gaming prescribed by under schedule 12;~~
- ~~b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or~~

~~c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."~~

~~4.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.~~

Club Machine Permit

5.11 Members clubs and miners' welfare institutes may choose to apply for the club machine permit if they do not want to have the full gaming provided by a club gaming permit. In addition, commercial clubs may also apply for a club machine permit.

5.12 Commercial clubs are members clubs established for profit, such as snooker clubs.

5.13 A club machine permit allows a total maximum number of three (3) gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.

5.14 Before granting the permit the licensing authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18 years of age

5.15 A club machine permit lasts for ten years unless it ceases to have effect because it is surrendered, cancelled or forfeited.

6 Temporary Use Notices (TUN)

~~5.1 The granting of a temporary use notice allows premises without a premises licence to be used by a gambling operator temporarily to provide facilities for gambling.~~

~~5.2 Licensing authorities are being asked to mindful of the restrictions that allow premises to be licensed for at the most 21 days per year under Temporary Use Notices.~~

~~5.3 It is possible licence part of a building or set of premises if the location can be rightfully regarded as being separate in terms of ownership, occupation and control.~~

6.1 Temporary Use Notices (TUNs) allow the use of premises to be use for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a TUN could include hotels, conference centres and sporting venues. Licensing Authorities can only grant a TUN to a person or company holding a relevant operating licence issued by the

Gambling Commission.

6.2 There are certain restrictions to the type of Gambling that a TUN can cover, these restrictions are:

- *it can only be used to offer gambling of a form authorised by the operator's operating licence, this licensing authority will therefore give consideration as to whether the form of gambling being offered on the premises will be remote, non-remote, or both, and whether this is in compliance with the operating licence,*
- *gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises,*
- *it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner,*
- *gaming machines may not be made available under a TUN.*

6.3 *In considering whether a place falls within the definition of "a set of premises", we will have regard to the Guidance and consider the individual facts on their merits but, amongst other things, we will have particular regard to the ownership, occupation and control of the premises.*

6.4 This *licensing* authority will object to a Temporary Use Notice (*TUN*) application if it appears that regular gambling is taking place in locations the could be described as one set of premises, as recommended by the Gambling Commission Guidance.

6.5 *Please note that cash games, which are games where each hand provides a winner, are not permitted under a TUN. Furthermore a TUN cannot be granted for 21 days in respect of each of its exhibition halls.*

6.6 *In respect of a vessel, TUN's may be granted for a vessel but only if it is a passenger vessel or one that is situated in a fixed place. The latter would include would include a structure on water that is not intended to be able to move (such as an oil rig, or an artificially constructed island in the middle of a lake.*

7 Occasional Use Notices

~~6.1 Occasional Use Notices relate to occasional "track" uses. Betting Track is usually thought of as horse or dog racing. These notices will be for events like point to points on agricultural land.~~

7.1 *An Occasional Use Notice permits betting on a sporting event or race at a track on eight days or fewer in a calendar year without the need for a full premises licence. It therefore allows temporary and infrequent events such as point-to-point racing to take place and for bets to be taken on the outcome.*

7.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not

exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice-, *i.e. whether applicant is licensed as a betting operator and has appropriate permission form the Gambling Commission to use tracks for conducting betting.*

7.3 We will the also decide what constitutes a track, sporting event or race on a case-by-case basis. In doing so we will follow the Gambling Commission's guidance in relation to tracks.

PART D

1 Administration, Exercise and Delegation of Functions

- 1.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 1.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 1.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications where no representations have been made has been delegated to Council Officers. All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting. The decisions cannot be reversed.
- 1.4 The following Table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.
- 1.5 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

1 TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

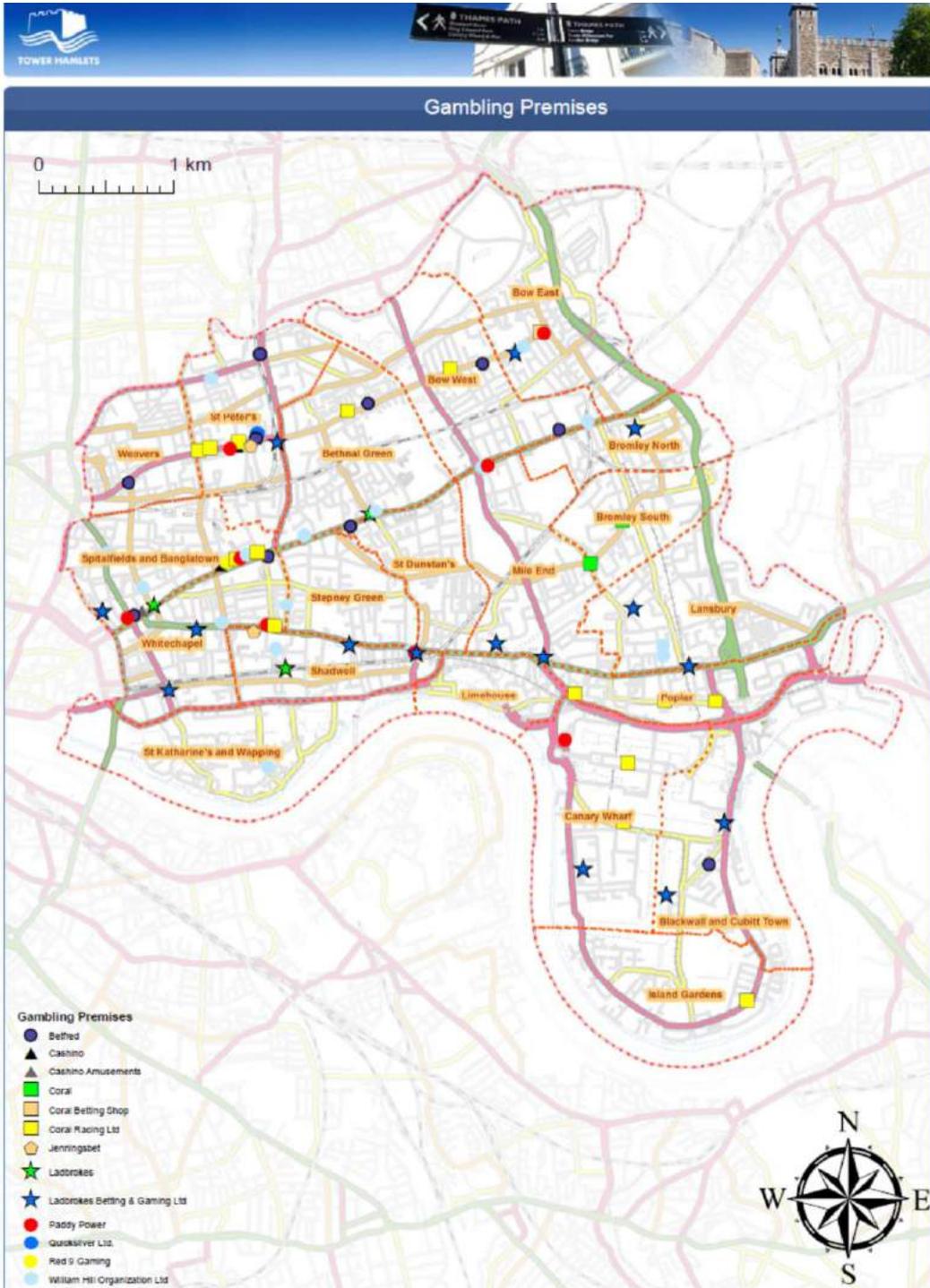
MATTER TO BE DEALT WITH	BY WHOM
Three year licensing policy (responsibility shared with Cabinet)	THE FULL COUNCIL
Policy to permit or not to permit casinos	

<p>Fee Setting- (but when appropriate Corporate Director) Application - for a premises licence, variation of a premises licence, transfer of a premises licence, application for a provisional statement in connection with a premises, in all cases where representations have been received and not withdrawn. Review- of a premises licence.</p> <p>Application for, or cancellation of club gaming /club machine permits where representations have been received and not withdrawn Decision to give a counter notice to a temporary use notice</p>	<p>LICENSING COMMITTEE/ SUB-COMMITTEE</p>
<p>For a premises licence, variation of a premises licence, transfer of a premises, application for a provisional statement in connection with a premises, in all cases where no representations have been received/ or representations have been withdrawn.</p> <p>Application for a club gaming machine/ club machine permit where no representations received/ representations have been withdrawn. Applications for other permits</p> <p>Cancellation of licensed premises gaming machine permits Consideration of temporary use notice</p>	<p>OFFICERS</p>

Annexes

- Annex 1** Map of London Borough of Tower Hamlets showing where Gambling Premises Licences have been issued
- Annex 2** Details of those consulted. **Annex 3** Results of Consultation
- Annex 4** Gambling Best Practice Guide **Annex 5** Sample conditions
- Annex 6** Local area profiles

Annex 1



Annex 2

List of consultees: Authorities/Bodies

The Gambling Commission Metropolitan Police Service
Her Majesty's Revenue and Customs Directorate of Development & Renewal
(LBTH) London Fire & Emergency Planning Authority Maritime & Coastguard
agency
Service Manager Child Protection & Reviewing Canal & River Trust
The Environment Agency NSPCC
Tower Hamlets Primary Care Trust Young Mayor and Youth Panel Inter Faith
Forum
CCG
Council of Mosques
Adults Safeguarding Board Community Safety Partnership Public Health

Gambling Support Services

GamCare
Gamblers Anonymous Responsibility in Gambling Trust

Businesses

Agora Betting (UK) Ltd Arcade Shop
Bet Share Racing Betex
Betfred Ltd Better
Betting Shop Services Ltd
Canary Wharf Sports Exchange Ltd Carousel Amusements
Cashino
Collins Bookmakers

Coral Racing Ltd
Frankice (Golders Green) Ltd Gala Coral Group
Gold Room Grove Leisure Ltd
Joe Jennings Bookmakers Ltd Ladbrokes Betting & Gambling Ltd Leisure World (UK) Ltd
Lucky 8 Limited Paddy Power Limited Quicksilver Limited Roar Betting
Roma
Shirt Hot Limited Talarius Ltd
Tote Bookmakers TWL Holdings Limited Two Way Media Ltd William Claridge Ltd
William Hill Organisation Ltd

Licensing Committee Members

~~Khales Uddin Ahmed (Chair) Rajib Ahmed (Member) Mahbub Alam (Member) Shah Alam (Member)~~
~~Gulam Kibria Choudhury (Member) Amy Whitelock Gibbs (Member) Peter Golds (Vice Chair)~~
~~Clare Harrison (Member) Denise Jones (Member) Md. Maium Miah (Member)~~
~~Mohammed Mufti Miah (Member) Muhammad Ansar Mustaqim (Member) Joshua Peck (Member)~~
~~Candida Ronald (Member) Rachael Saunders (Member)~~

*For the up-to-date List of Committee Members please see the link below:
<http://democracy.towerhamlets.gov.uk/mgCommitteeDetails.aspx?ID=324>*

Housing Associations

A 2 Dominion Housing Eastend Homes Gateway Housing
Mitali Housing Association One Housing Group Poplar Harca
Peabody Housing Association Spitalfields Housing Association Tower Hamlets Community Housing
Tower Hamlets Homes Oxford House
Industrial Dwellings Society Karin Housing Association Look Ahead Housing Care Newlon
Old Ford Housing Association Peter Bedford Housing Association Reside Housing Association Ltd
South Poplar and Limehouse Action for Secure Housing St Margarets House Settlement
The Kipper Project

Annex 3

Responses to the Gambling Policy Consultation 2019 **(to be completed post consultation)**

<i>Body or Organisation</i>	<i>Summary of issues</i>
<i>Overview and Scrutiny January 2016</i>	<ul style="list-style-type: none"> ● <i>Concern expressed on the number of FOBT's</i> ● <i>Impact of FOBT's on quality of life of those poorer residents that gamble</i> ● <i>Provision of services to addicted gamblers</i> ● <i>Consider what other Councils are doing regarding FOBT's</i> ● <i>Encourage schools to address negative impacts of gambling through PHSE</i> ● <i>Consultation to reach out to greatest number of individuals and organisations as possible</i> ● <i>LBTH to lobby for legislative changes</i> ● <i>Consideration on control of advertising on Council sites</i>
<i>Campaign for Fairer Gambling</i>	<ul style="list-style-type: none"> ● <i>Commission of test purchasing of premises and staff employed on those premises to transact gambling</i> ● <i>Evaluate the effectiveness of self exclusion, under age controls, anti money laundering policies</i> ● <i>Police call outs in the first nine months of 2014 were up 20% on the previous year</i> ● <i>Consideration of condition against lone working policies</i> ● <i>Use powers to restrict the number of FOBT's in betting shops</i> ● <i>Suggest a statement supporting further regulatory action against FOBT's</i>
<i>Public Health</i>	<ul style="list-style-type: none"> ● <i>More detail on how local risk assessments should be undertaken in relation to schools, places of worship and hostels</i> ● <i>How licensed premises will support vulnerable people</i> ● <i>Detail on how employers protect their staff lone working and anti social hours</i>
<i>Member of the Public</i>	<ul style="list-style-type: none"> ● <i>Far too many betting shops in Tower Hamlets</i> ● <i>Licenses only granted if no other shops in a mile and if the area is not one of low income/youth vulnerability</i> ● <i>Gambling addiction support to be offered in Bengali, Hindi and Punjab</i> ● <i>Gamecare is not enough</i>
<i>Coral Racing Ltd</i>	<ul style="list-style-type: none"> ● <i>Has 1850 Betting shops, 20% of all betting shops in Great Britain</i> ● <i>No evidence that betting shops within a proximity of schools causes harm</i> ● <i>Local risk assessments to be specific to the licensing objectives and to assess whether control measures are going beyond the standard control measures that are needed.</i>

<p><i>William Hill</i></p>	<ul style="list-style-type: none"> ● 17 premises in Tower Hamlets, largest retailer in the UK ● Concerned that the Council is attempting to fashion an illegal exclusionary policy which reverses the burden of proof required in gambling licensing cases. ● Cannot impose additional licence conditions without clear evidence to support such an imposition ● Risk assessments can only be based on evidenced factors that are underpinned by empirical evidence ● Local area profiles to be focused on aspects of gambling related harm that are evidenced ● No legitimate justification for routine submission of information to the Council, under age test purchasing data is already supplied to the Primary Authority Partner and reports other related information to the Gambling Commission ● Self exclusion numbers does not assist the Council to form a view of gambling related harm, it cannot be used as a proxy for assessment of gambling related harm. ● It is not for Operators to satisfy the Council that the location of premises would be harmful to the licensing objectives, only that facilities are being operated in a way that is reasonably consistent with the Licensing Objectives. ● No go areas cannot be fashioned from areas of deprivation/ethnic make up this is discriminatory in relation to the aim to permit gambling and human rights ● The presence of schools and playgrounds cannot be used as a reason to exclude a gambling premises from an area ● Crime should be defined as crime associated with gambling, not situational crime committed against operators or its staff. ● Need to define the distinction between disorder and mere public nuisance. ● Should not mandate matters within the local area risk assessment against better regulation principles ● Sample conditions should be removed, clear evidenced risk to be provided before such conditions can be used ● Unlawful to include religious buildings in the local area profiles ● Council has mis directed itself in law, the language in the policy betrays the fact that the intention is to use it in an exclusionary way, thereby undermining 'the aim to permit' principle.
<p><i>Power Leisure Bookmakers Ltd</i></p>	<ul style="list-style-type: none"> ● Paddy Power has 325 betting offices in the UK ● Regulators (as per the Regulators Code) should recognise the compliance record and take an evidenced based approach to determining priority risks in their area. Risks need to be evidenced and controls proportionate ● The draft policy does not adhere to better regulation ● Additional conditions only to be imposed in circumstances where it is evidenced that risk are identified. They should not be included in the draft statement of gambling policy. ● A blanket request for information relating to crime and disorder may be disproportionate and place an excessive regulatory burden on operators

<p><i>Association of British Bookmakers</i></p>	<ul style="list-style-type: none"> • Current regime offers key protections for communities • Planning law changes in April 2015 have increased the ability for Councils to consider betting shop applications. • In 2015, a decline of 179 betting shops nationally • Problem gambling is at 0.6% and has been stable • LGA – ABB Betting Partnership Framework signed in January 2015 • Establishment of Primary Authority Partnerships with Councils • Councils should not prescribe the local risk assessment form • Local area profiles to be supported by substantive evidence • Additional conditions only imposed in exceptional circumstances • Delete reference to areas of deprivation and ethnic profile of residents as these have no bearing on the licensing objectives. • Additional conditions list – statement to be added in to make it clear that these can only be imposed if there is a risk to the licensing objectives • Local profile should not cover issues relating to religious buildings, the night time economy and social economic make up of the area.
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Annex 4: Gambling Best Practice Guide

We expect all Gambling premises in the Borough to carry out the measures listed in this Best Practice Guide along with the measures detailed in the main Policy.

This guide is about businesses that promote gambling have the responsibility in protecting the vulnerable who may be exposed by their activities.

- All premises to hold and maintain a log of incidences and the handling of problem gambling that occur in the premises. This information should be shared with Licensing Officers on request. Relevant data that should be held include the date and a short description of the intervention in relation to voluntary/mandatory exclusions and whether individuals have tried to gain entry, attempts of those that are underage to gain entry whether with an adult or not. Any incident requiring an intervention from staff
- Staff should be aware on how to tackle irresponsible gambling and have sufficient knowledge on how to promote responsible gambling. Be able to signpost customers to support services with respect to problem gambling, financial management and debt advice. Leaflets on how to identify problem gambling should available for customers in the premises.
- Staff should be aware of the importance of social responsibility, the causes and consequences of problem gambling, intervention with vulnerable persons, dealing with the exclusion of problem gamblers and escalating them for advice or treatment.
- Staff should be aware of refusing customers entry due to alcohol or drugs, age verification processes, identifying forged ID, the importance of time and spend limits

- Staff to be familiar with the offences under the Gambling Act, the categories of gaming machines, the stakes and odds associated with each machine.
- Staff should also be aware of not encouraging customers to increase the amount or time they gamble, re-gamble winnings and chase losses.
- Staff to be excluded from gambling at the premises where they are employed and the premises to have a 'no tipping' rule.
- Applicants may wish to seek support with their applications from the Crime Reduction Officer and GamCare with a view to obtaining a certificate of Social Responsibility.
- Where Fixed Odds Betting Terminals are installed within the premises they should be positioned in direct sight of a supervised counter.

Appendix 5: Sample of premises licence conditions

This Annex, reproduced from the Gambling Commission's Guidance to Licensing Authorities, provides a sample of conditions that have been attached to premises licences by licensing authorities, with some amended for illustrative purposes. These are not blanket conditions but have been imposed in a number of circumstances to address evidence based concerns. Part 9 of the Gambling Commission's Guidance to Licensing Authorities provides further details on the principles licensing authorities should apply when exercising their discretion to impose premises licence conditions.

The conditions listed below have been grouped under specific headings for ease of reference. There will inevitably be some overlap between those conditions that address different concerns, for example those related to security and to anti-social behaviour.

1. Security

- 1.1 No pre-planned single staffing after 8pm and, when this is unavoidable, for a Maglock to be in constant use.
- 1.2 A minimum of two members of staff after 10pm.
- 1.3 A minimum of two members of staff will be on duty throughout the whole day.
- 1.4 The premises will have an intruder alarm and panic button.
- 1.5 Maglock systems are employed and access is controlled.
- 1.6 Requirements for full-height security screens to be installed.
- 1.7 A requirement for 50% of the shop frontage to be clear of advertising so that staff have a clear view and can monitor the exterior of the premises.
- 1.8 The premise shall maintain a 'safe haven' to the rear of the counter.
 - 1.9 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention

Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer throughout the preceding 31-day period.

- 1.10 A member of staff from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This member of staff must be able to show a member of the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 1.11 A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering the premises.
- 1.12 If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training.

2. Anti-social behaviour

- 2.1 The Licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.
- 2.2 The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.
- 2.3 The Licensee shall place a notice visible from the exterior of the premises stating that drinking alcohol outside the premises is forbidden and that those who do so will be banned from the premises.
- 2.4 Notices indicating that CCTV is in use at the premises shall be placed at or near the entrance to the premises and within the premises.
- 2.5 The Licensee shall place and maintain a sign at the entrance which states that 'only drinks purchased on the premises may be consumed on the premises'.
- 2.6 The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.
- 2.7 The Licensee shall install and maintain an ultraviolet lighting system in the customer toilet.
- 2.8 The Licensee shall install and maintain a magnetic door locking system for the customer toilet operated by staff from behind the counter.
- 2.9 Prior to opening the Licensee shall meet with the Crime Prevention Officer in order to discuss any additional measures to reduce crime and disorder.

3. Underage controls

- 3.1 The Licensee shall maintain a bound and paginated 'Think 21 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.
- 3.2 Customers under 21 will have to provide ID.
- 3.3 The premises will operate a 'challenge 25' policy and prominent signage and notices will be displayed showing the operation of such policy
- 3.4 Compulsory third party test purchasing on a twice yearly external system and the results to be reported to the Local Authority and police. In the first twelve months (from the date of the Review) two additional internal test purchase operations to be carried out.
- 3.5 A physical barrier (ie a supermarket metal type or similar) acceptable to the licensing authority, and operated in conjunction with the existing monitored alert system, to be put in place within 3 months from the date of the review.
- 3.6 No machines in the Unlicensed Family Entertainment Centre to be sited within one meter of the Adult Gaming Centre entrance.

4. Player protection controls

- 4.1 Prominent GamCare documentation will be displayed at the premises.
- 4.2 There shall be no cash point or ATM facilities on the premises.
- 4.3 The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request.
- 4.4 New and seasonal staff must attend induction training. All existing staff must attend refresher training every six months.
- 4.5 All notices regarding gambling advice or support information within the vicinity of XXX must be translated into both simplified and local languages.
- 4.6 Infra Red Beam to be positioned across the entrance to the premises. To be utilised whenever:
 - (a) The first member of staff is not positioned within the Cash Box or,
 - (b) The second member of staff is not on patrol

Annex 6

Local Area Profiles

The aim of local area profiles is to build up a picture of the locality, and in particular the elements of it that could be impacted by gambling premises.

The Council publishes Borough and Area profiles – ward profiles on its website at https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/Borough_profile.aspx
http://www.towerhamlets.gov.uk/lgs/901-950/916_borough_profile/area_profiles.aspx

Some publically available sources of information to assist in operators completing a Local Area Profile include:

- a) *Crime Mapping websites*
- b) *Ward profiles*
- c) *Websites or publications by local responsible authorities*
- d) *Websites or publications by local voluntary schemes and initiatives*
- e) *On-line mapping tools*

The Council will expect applicants for grant of new or variation to existing licences to include full details of their risk assessment in compliance with Social Responsibility (SR code) 10.11 and Ordinary code provisions 10.1.2 (both effective from 6th April 2016).