

Gambling Act 2005

Draft Statement of Principles 2022 - 2025



Document Number	05
Version Number	01
Date approved	November 2021
Effective	31 st January 2022
Contact Officer	Russell Denney Clarke - Licensing & Trading Standards Manager

Change History		
Version No	Date	Change Details
1.00	01/07/2021	Amendments following review of SOP
2.00		Amendments made following consultation
3.00		Approval by Legal services
4.00		Amendments following approval by Licensing Committee
5.00		Final – Approved by Full Council

Related Documents	
Document Title	Location
Gambling Act 2005	
Guidance to licensing authorities (GLA) (2015)	
Local Area Profile	

If you have any further questions about this policy please contact:

Licensing Manager
 Slough Borough Council
 Obersavtory House
 25 Windsor Road
 Slough
 SL1 2EL

Tel: 01753 875664
 Email: licensing@slough.gov.uk

Statement of Principles - Gambling Act 2005

Contents

Section	Part A	Page
1.	Introduction	1-2
2.	Declaration	2
3.	The Licensing Objectives	2-3
4.	Slough's geographical area	3
5.	Local Area Profile and Local Risk Assessments	3-4
6.	Responsible Authorities	4-5
7.	Interested parties	5-6
8.	Exchange of information	6
9.	Enforcement	7-8
10.	Safeguarding – Protecting children and other Vulnerable Persons from being harmed or exploited	8-9
11.	Licensing authority functions	9-10
	Part B - Premises licences - Consideration of Application	
12.	General Principles	11-12
13.	Gambling Commissions relevant access provisions for each premises type (as below)	13-15
	Betting Premises	
	Bingo Premises	
	Family Entertainment Centres	
14.	Premises Plans	15
15.	Privacy Screens around gaming machines	15-16
16.	Preventing Gaming from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.	16
17.	Ensuring that gambling is conducted in a fair and open way	16
18.	Protecting children and other vulnerable persons from being harmed or exploited by gambling	16-17
19.	Conditions	17-18
20.	Door Supervisors	18-19
21.	Adult Gaming Centres	19
22.	(Licensed) Family Entertainment Centre	19-20
23.	Casino's	20
24.	Bingo Premises	20
25.	Betting Premises	20-21
26.	Suggested appropriate measures and licence conditions.	21-22
27.	Travelling Fairs	22
28.	Provisional Statements	22-23
29.	Reviews	23-24

	Part C - Permits / Temporary and Occasional Use Notices	
30.	Unlicensed Family Entertainment Centre gaming machine permits	25
31.	Clubs & Premises with alcohol licence	26
32.	Removal of exemption for alcohol licensed premises	26
33.	(Alcohol) Licensed premises gaming machine permits	27
34.	Permit: 3 or more machines	27-28
35.	Small Society Lotteries	28-32
36.	Prize Gaming Permits	32-33
37.	Club Gaming and Club Machines Permits	33-34
38.	Temporary Use Notices	34-35
39.	Occasional Use Notices	35
	Appendices	
	'A' Summary of Licensing Authority Delegations	
	'B' Consultees	
	'C' Gambling Act Glossary	

PART A – Licensing Authority Functions, Relevant Parties, Local Area Profile & Local Risk Assessment

Introduction

1.1 Under section 349 of the Gambling Act 2005 (the Act) the licensing authority is required to publish a statement of the principles which they propose to apply when exercising their functions. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. 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 of principles must then be re-published.

1.2 The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to 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.

Authorities may also consult with:

- Organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, such as public and mental health teams, and advocacy organisations (such as the Citizens Advice Bureau and trade unions)
- Local businesses
- Other tiers of local government (where they exist)
- Responsible Authorities

1.3 The Council consulted widely regarding the revised statement of principles from **23rd July 2021 to 3rd September 2021**. A list of those consulted on the revision of the statement of principles is attached at Appendix **B**.

1.4 This statement of Gambling Principles was prepared in **2021** and following consultation was approved by Full Council on the **23rd November 2021**. This new three year statement of principles was published on **date TBC** and has effect from **31st January 2022**. It will be published in the Councils website.

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

2. Declaration

- 2.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

3. The Licensing Objectives

- 3.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
 - **Ensuring that gambling is conducted in a fair and open way**
 - **Protecting children and other vulnerable persons from being harmed or exploited by gambling**
- 3.2 It should be noted that the Gambling Commission has stated: *"The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling"*.

The Act provides for three categories of licence:

- Operating Licence
 - Personal Licence
 - Premises Licence
- 3.3 The Gambling Commission will be responsible for issuing personal licenses and operating licenses. The licensing authority will be responsible for issuing premises licenses.

The Gambling Commission can be contacted at:

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Tel: 0121 230 6666

Fax: 0121 230 6720

Website: www.gamblingcommission.gov.uk

3.4 This licensing authority is aware that, as per Section 153, 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 is satisfied that the application is:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant Guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority's statement of licensing policy

4. Slough's geographical area

4.1 The Borough of Slough is located within the Thames Valley, 20 miles to the west of the centre of London and close to Windsor, Maidenhead and Reading. The Borough covers an area of 32.5 square kilometres.

Located along the M4 corridor, Slough is close to Heathrow Airport and is within easy access of the M40 which runs to the Midlands, the M1 which runs to the north and the M3 which runs to the south. Slough Town Centre is served by a Great Western mainline railway station from which the fastest journey time to London Paddington is 15 minutes.

The population of Slough is **approximately 149,000**. It is a culturally diverse Borough with a range of communities **and a wide range of languages spoken**. Slough is often described as a "fusion of different cultures." There are strong Indian and Pakistani communities and more than a third of the population are from minority ethnic communities.

The Borough is heavily urbanised with residential and commercial areas. To the west of the Borough is the Slough Trading Estate, a large commercial area comprising approximately 672,274 square metres. There is entertainment venues comprising of public houses and **restaurants** in Slough Town Centre and in suburban locations, where there are also members' clubs. There are betting **premises** in Slough Town Centre and in suburban locations.

5. Local Area Profile and Local Risk Assessments

5.1 All applicants for grants and variations of gambling premises licences must include full details of their Local Risk Assessments (LRA) as part of their applications. This is set out in the Social Responsibility Code 10.1.1 and Ordinary Code Provision 10.1.2 which both took effect from 6th April 2016.

- 5.2 Applicants are expected to demonstrate how their operation will not cause harm or exacerbate issues of risk in light of the protection of children from harm and other vulnerable people should the proposed site be located near schools, any addiction treatment/help centres or medical facilities such as GP practices.
- 5.3 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities and have policies, procedures and controls in place to mitigate those risks.
- 5.4 Licensees must have regard to and take account of the Council's Statement of Principles policy and of the 'Local Area Profile' which details the statistics and data relating to demography, deprivation and poverty for all 15 of Slough's wards. This can be found in the [Joint Strategic Needs Assessment - JNSA](#)
- 5.5 Slough Borough Council's [Local Area Profile \(LAP\)](#) and has information regarding crime statistics, and the demographics of the populace and other statistical information.
- 5.6 Applicants are expected to review all the information detailed in the LAP, as well as the data and statistics detailed in the JSNA when forming the local risk assessment. The LRA should be specific to each individual premise. The LRA should consider, as a minimum, the following;
- The location of schools, **sixth form colleges, youth centres**, playgrounds, leisure/community centres and other areas where children will gather
 - **Hostels or support services for vulnerable groups, such as those with addiction issues or who are homeless**
 - Whether the premise is in an area subject to high levels of crime and/or **anti-social behaviour**
 - **The socio-economic makeup of the area**
- 5.7 Licensees are required to review their LRA to take into account significant changes of local circumstances and significant changes of the premises when applying for any variation.

6. Responsible Authorities

- 6.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

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

6.2.1 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The Responsible Authorities are;

- The Licensing Authority
- The Gambling Commission
- Thames Valley Police
- Royal Berkshire Fire and Rescue Service
- Planning and Development Control Services
- Environmental Health – (Neighbourhood Enforcement Services)
- Local Safeguarding Children's Board
- HM Revenue and Customs

6.3 The contact details of all the [Responsible Authorities](#) under the Gambling Act 2005 can be found at Slough Borough Council's website.

7. Interested parties

7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person

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

7.2 The licensing authority is required by regulations 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.

The principles are:

7.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.9 to 8.17. It will also consider the Gambling Commission's Guidance that "has business

interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 7.4 Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represent the Ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 7.5 In principle, the Council will allow any person to represent an interested party but it may ask for confirmation that the person genuinely represents the interested party. The Council will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' someone. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.
- 7.6 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Councils Committee and Member Service for advice.

8. Exchange of Information

- 8.1 The licensing authority will act in accordance with the provisions of section 350 of the Act in its exchange of information with the Gambling Commission and the other persons listed in Schedule 6 of the Act; this includes a provision that the General Data Protection Regulation (GDPR) will not be contravened.
- 8.2 The licensing authority will also have regard to any Guidance issued by the Gambling Commission 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.
- 8.3 Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.
- 8.4 Should any protocols be established as regards information exchange with other bodies then they will be made available.

9. Enforcement

- 9.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 9.2 This licensing authority's principles are that we will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 9.3 This licensing authority has adopted a risk-based inspection programme, based on;
- The licensing objectives
 - Any relevant codes of practice
 - Guidance issued by the Gambling Commission, in particular at Part 36
 - The principles set out in this statement of licensing policy
- 9.4 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.
- 9.5 The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not be dealt with by the licensing authority but should be notified to the Gambling Commission.
- 9.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive which is part of the Business, Energy and Industrial Strategy, in its consideration of the regulatory functions of local authorities.
- 9.7 Our general principles with regards to enforcement are informed by The Regulators' Code, the Enforcement Concordat and the Guidance of Regulatory Delivery as to how to apply these documents.

9.8 The six principles of the Regulators Code are:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
3. Regulators should base regulatory activities on risk.
4. Regulators should share information about compliance and risk.
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
6. Regulators should ensure that their approach to their regulatory activities is transparent.

9.9 [The Regulatory services and enforcement policy](#) can be found at the [Slough Borough Council website](#).

10. Safeguarding – Protecting children and other vulnerable persons from being harmed or exploited.

10.1 As per the Gambling Commission's Guidance for Licensing Authorities, this Licensing Authority expects operators of gambling premises to have in place policies and measures in protecting children and other vulnerable people from being harmed or exploited by gambling.

10.2 The efficiency of such policies and procedures will be considered on their own merits, however, they may include appropriate measures/training for staff as regards suspected truanting 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.

10.3 This Authority will pay particular attention to measures proposed by operators to protect children from harm in premises licensed under the Gambling Act 2005. Such measures may include, but would not be limited to, the following:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Specific opening hours
- Self-barring schemes
- Notices/signage
- Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual

exploitation

- clear policies that outline the steps to be taken to protect children from harm;
- Provision of information leaflets/helpline numbers for organisations such as GamCare and GambleAware.

Some of the above are mandatory conditions under The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.

- 10.4 This Authority will expect operators to fully comply with the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP) and the Social Responsibility Codes in relation to access for children into Gambling premises and their policies and procedures designed to prevent underage gambling, and how they monitor the effectiveness of these. The Social Responsibility Codes, part of the Gambling Commission's LCCP, can be found on the Gambling Commission's website.
- 10.5 The Gambling Commission advises in its Guidance for Licensing Authorities that 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. In appropriate circumstances this Authority will consider the imposition of conditions requiring door supervisors at particular premises.
- 10.6 Larger operators are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. Operators are encouraged to also make the results available to licensing authorities, as far as is practicable.

11. Licensing Authority functions

- 11.1 Licensing Authorities are required under the Act to be responsible for:
- The licensing of premises where gambling activities are to take place by issuing **Premises Licences**
 - Issue **Provisional Statements**
 - Regulate **members' clubs and miners' welfare institutes** who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - Issue **Club Machine Permits to Commercial Clubs**
 - Grant permits for the use of certain lower stake gaming machines at **unlicensed Family Entertainment Centres**
 - Receive **notifications from alcohol licensed premises** (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - Issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - Register **small society lotteries** below prescribed thresholds
 - Issue **Prize Gaming Permits**

- Receive and Endorse **Temporary Use Notices**
- Receive **Occasional Use Notices**
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions
- The exercise of its powers of compliance and enforcement under the 2005 Act in partnership with the Gambling Commission and other relevant responsible authorities.

11.2 It should be noted that the National Lottery is regulated by the National Lottery Commission, Remote Gambling is dealt with by the Gambling Commission and Spread Betting by the Financial Services Authority.

PART B - Premises Licences; Consideration of Applications

12. General Principles

12.1 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 are detailed in regulations issued by the Secretary of State.

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

- 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 authority's Statement of Licensing Policy

12.3 It is appreciated that as per the Gambling Commission's Guidance to Local Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – Section 12) and also that unmet demand is not a criterion for a licensing authority.

12.4 When making a decision about a new application the licensing authority will expect the applicant to have taken into consideration the impact of the application being granted, and to have put in place measures with regards, but not limited to:

- Schools, sixth form colleges, youth centres etc, with reference to the potential risk of underage gambling
- The surrounding night time economy, and possible interaction with gambling premises

12.5 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

12.6 This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

12.7 The Gambling Commission states in its Guidance to Licensing Authorities (updated September 2016) that: *"In most cases the expectation is that a single*

building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.

- 12.8 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”
- 12.9 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states 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 of the following:
- It is perfectly legal for children to take part in some limited gambling activities i.e. Category ‘D’ Machines.
 - The third licensing objective seeks to protect children from being harmed by gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers should be able to participate in the activity names on the premises licence.
- 12.10 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates
 - Is the premises’ neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises
- 12.11 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

13. The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

13.1 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

13.2 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

13.3 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

13.4 Deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 13.5 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 13.6 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.56 -7.65 of the Guidance.
- 13.7 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making.
- 13.8 As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 13.9 This authority will have regard to the "Guidance":- 7.65 - When dealing with a premises licence application, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence.
- 13.10 Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.
- 13.11 This licensing authority seeks to **avoid any duplication** with other statutory /regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will 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.
- 13.12 When dealing with a premises licence application, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

13.13 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.

14. Premises plans (new applications and variations)

14.1 New applications and variation applications must be accompanied by a plan of the premises. The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) states that a plan must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

14.2 The Licensing Authority must establish if an application is 'in accordance with the relevant code of practice' and this will include social responsibility codes. It also needs to be determined whether the application is 'reasonably consistent with the licensing objectives'. Should the application and accompanying plan be insufficient to satisfy these requirements the applicant will be required to submit more information.

14.3 Applicants are advised for the following to be included on the premises plan:

- Location of service counter
- Location of all self-service betting terminals

15. Privacy screens around gaming machines

15.1 A screen or pod around a gaming machine, designed for player privacy, should not stop premises staff from effectively monitoring gaming machine play. It is an operator's responsibility to ensure staff are able to effectively supervise gaming, as per the conditions of the operator licence. The licence conditions and code of practice (LCCP) state: '**Facilities for gambling must be offered in a manner which provides for appropriate supervision of those facilities by staff at all times**'.

15.2 Age verification, customer interaction and self-exclusion policies all require operators to take into account the structure and layout of their premises. Operators must be able to evidence how they have considered the risk to the licensing objectives and implemented effective controls.

15.3 Where operators are unable to demonstrate effective controls, the licensing authority will use regulatory powers to instruct the removal of any impediments to staff carrying out their responsibilities.

16. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

16.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime.

16.2 If an application is received regarding a premises located in an area noted for particular problems with organised crime, the licensing authority will work in partnership with the Police and other relevant bodies to consider whether specific controls need to be applied to the licence to help prevent premises becoming a source of crime. Such measures could include a condition requiring suitable numbers of door supervisors at the premises.

16.3 The licensing authority recognises the distinction between disorder and nuisance. Disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Fact the licensing authority will consider in determining whether a disturbance was serious enough to constitute disorder would include whether any Police assistance was required and how threatening the behaviour was to those who could see and hear it. Issues concerning nuisance cannot be dealt with by the Gambling Act, as there is other primary legislation in place to deal with such issues.

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

17.1 This licensing authority will not be directly concerned with ensuring gambling being conducted in a fair and open way, as this will be addressed by the Gambling Commission through the operating and personal licensing regime.

17.2 Track operators will not be required to hold an operator's licence. The premises licence will contain requirements on the licence holder regarding his or her responsibilities to ensure gambling is conducted in a fair and open way within betting areas.

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

18.1 With very little exceptions the intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. This means

preventing them from taking part in gambling where such gambling would be illegal and placing restrictions on advertising so that gambling products are not aimed at, or are attractive to children.

18.2 In some limited cases children are legally permitted to gamble and the licensing authority will consider whether specific measures are required on certain premises to protect children. This may include:

- Segregation of gambling from areas used by children
- Supervision of gambling machines in licensed family entertainment centres

18.3 The list is not exhaustive. Particular care will be taken on tracks where children are permitted on race days.

18.4 Any Codes of practice issued by the Gambling Commission will be considered by the licensing authority in relation to casinos and this licensing objective.

18.5 No specific definition of 'vulnerable persons' has been identified within the Act. The licensing authority may include, but not limited to;

- Those people who gamble more than they want; or
- People who gamble beyond their means; or
- People who cannot make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs as vulnerable people.

18.6 The licensing authority will consider licensing objectives on a case by case basis.

19. Conditions

19.1 All premises licensed under the Gambling Act 2005 are subject to mandatory and default conditions which are usually sufficient to ensure operation which is reasonably consistent with the licensing objectives.

19.2 Additional conditions may only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

19.3 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.

19.4 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some 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.

- 19.5 We 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.
- 19.6 This authority will also ensure that where category A to C or above machines are on offer in premises to which children are admitted, other than premises licensed for the supply of alcohol under the Licensing Act 2003;
- 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.
- 19.7 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 19.8 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
 - conditions in relation to stakes, fees, winning or prizes.

20. Door Supervisors

- 20.1 The Gambling Commission advises in its Guidance for Local Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young person's then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

20.2 Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirement for different types of premises vary (as per the Guidance, Part 33).

21. Adult Gaming Centres

21.1 When granting premises licenses for adult gaming centres the licensing authority will have regard to the licensing objectives. It expects applicants to offer their own measures to meet the objectives, in particular, the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds are not permitted to enter premises.

21.2 As a guide, section 26 of this policy details a number of what is considered appropriate measures and licence conditions that Operators may wish to consider having place.

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

21.4 The question of sub division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the Guidance issued in respect of such applications.

22. (Licensed) Family Entertainment Centres

22.1 When granting premises licenses for licensed family entertainment centres, the licensing authority will have regard to the licensing objectives. It expect applicants to offer their own measures to meet the objectives, in particular the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

22.2 As a guide, section 26 of this policy details a number of what is considered appropriate measures and licence conditions that Operators may wish to consider having place.

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

22.4 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory

or default conditions on these premises licences, when they have been published.

23. Casinos

- 23.1 A resolution has been passed by Full Council that the 'No Casino' policy is to lapse. Should this licensing authority decide in future to pass such a further resolution, this Statement of Gambling Principles will be updated accordingly. Any such decision will be made by Full Council.

24. Bingo premises

- 24.1 When granting premises licenses for licence for Bingo premises, the licensing authority will have regard to the licensing objectives. It expect applicants to offer their own measures to meet the objectives, in particular the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 24.2 As a guide, section 26 of this policy details a number of what is considered appropriate measures and licence conditions that Operators may wish to consider having place.
- 24.3 The list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 24.4 Following the Commissions guidance, if children are permitted to enter bingo premises where there are category C gaming machines or above, the licensing authority will 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 to the area where the machines are located
 - Only adults are admitted to the area where the machines are located
 - Access to the area where the machines are located is supervised
 - There are 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.
- 24.5 Regard will also be given to the suitability and layout of bingo premises when making their decision.

25. Betting premises

- 25.1 When granting premises licenses for Betting Premises the licensing authority will have regard to the licensing objectives. It expects applicants to offer their own measures to meet the objectives, in particular, the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds are not permitted to enter premises.
- 25.2 As a guide, section 26 of this policy details a number of what is considered appropriate measures and licence conditions that Operators may wish to consider having place.
- 25.3 The list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 25.4 When granting premises licenses for adult gaming centres the licensing authority will have regard to the licensing objectives. It expects applicants to offer their own measures to meet the objectives, in particular, the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds are not permitted to enter premises.
- 25.5 Betting machines - This licensing authority will, follow the Gambling Commission's Guidance and 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 or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. Please refer to the **Summary of machine provisions by premises:**
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-A-Summary-of-machine-provisions-by-premises.aspx>

26. Suggested appropriate measures and licence conditions

- Proof of age schemes – i.e. 'Think 21'
- CCTV
- Supervision of entrances and machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Measures / training for staff on how to deal with suspected truant school children on the premises
- All staff to produce a current Criminal Records Bureau disclosure which is approved by the Police
- Prepared plans of the premises

- Suitable public liability insurance
- Procedures to ensure public safety

27 Travelling Fairs

- 27.1 A Travelling fair is defined as one that 'wholly or principally' provides amusements. Fairs falling within this definition will be permitted unlimited numbers of category D gaming machines provided the facilities for gaming amount to no more than an ancillary amusement.
- 27.2 Sites used for travelling fairs are limited to a maximum of 27 days per calendar year. If sites being used for this purpose straddle local authority areas, the licensing authority will work with the relevant authority to maintain a central log to ensure that statutory 27 day limit is not exceeded.

28. Provisional Statements

- 28.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land 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.
- 28.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 28.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. 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.
- 28.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 28.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it 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:
- they concern matters which could not have been addressed at the provisional statement stage, or

- they reflect a change in the applicant's circumstances.

28.6 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:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- 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 and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

29. Reviews

29.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

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

29.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

29.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

29.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

29.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

- 29.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) 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.
- 29.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 29.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that 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.
- 29.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART C - Permits /Temporary & Occasional Use Notice

30. Unlicensed family Entertainment Centres (UFEC)

- 30.1 Where a premises does not hold a premises licence the operator may apply for a permit. The applicant must show the premises will be wholly or mainly used for the provision of gaming machines for use.
- 30.2 The licensing authority shall have regard to the guidance by the Gambling Commission in respect of permits for unlicensed FECs.
- 30.3 Only category D machines are allowed to be available for use on a permit.
- 30.4 The Chief Officer of Police will be consulted on the receipt of an application for a permit.
- 30.5 Before being granted a permit the applicant will need to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
 - That they have no relevant convictions as detailed in the Act
 - Staff are trained to have a full understanding of the maximum stakes and prizes, and
 - How they will deal with children protection issues.
- 30.6 Given that the premises will particularly appeal to children and young persons, in considering applications, the licensing authority will give weight to child protection issues.
- 30.7 Consideration of the suitability of applicants for this type of permit will follow the guidance issued by the Gambling Commission.
- 30.8 The Council cannot attach conditions to this type of permit.
- 30.9 Once granted the permit last for 10 years, unless it is surrendered or forfeited.
- 30.10 **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. This licensing authority will also expect all measures as outlined in (18.5 above) to be fully demonstrated.

31. Clubs & Premises with an alcohol licence

- 31.1 It is an offence to provide gambling facilities without the relevant operating licence and premises licence unless the activity is subject to an exception. Part 12 of the Act provides that, in clubs and premises with an alcohol licence, certain gaming (including poker) is exempt, subject to stakes and prize limitations or, if appropriate permissions are held, then there can be unlimited stakes and prizes.
- 31.2 Gaming of this type is usually provided in clubs and premises with an alcohol licence and is subject to specific conditions and codes of practice. S.279-284 of the Act only applies to premises in respect of which an on sales/supply -premises alcohol licence is held. It is important to remember that gambling must remain ancillary to the main purpose of the premises and the exemptions and permits are reliant on the premises holding a valid alcohol licence.
- 31.3 **More information regarding gaming machine entitlements for premises with an alcohol licence can be found on the [Gambling Commission website](#).**

32. Removal of exemption for alcohol licensed premises

- 32.1 The Licensing Authority can remove the automatic authorisation for exempt gaming in respect of any particular alcohol licensed premises by making an order under s.284 of the Act (see also [Part 26](#)). That section provides for the licensing authority to make such an order if:
- provision of the gaming is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.279 – for example, the gaming does not abide by the prescribed limits for stakes and prizes, a participation fee is charged for the gaming or an amount is deducted or levied from sums staked or won
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 32.2 Such an order could be used by the Licensing Authority where, for example, poker is being offered in alcohol licensed premises that consistently breaches the prescribed limits on stakes and prizes, participation fees are being charged for the poker, amounts are deducted from stakes or winnings, or poker (and other gaming) is the main activity offered on the premises.

33. Alcohol Licensed Premises Gaming Machine Permits

- 33.1 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.
- 33.2 These premises merely need to inly notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular if:
- Provision of machine 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 2005 (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 gambling: or
 - An offence under the Gambling Act has been committed, and "*such matters as they think relevant*".

34. Permit; 3 or More Machines

- 34.1 If a premises wishes to have more than 2 machines, then it needs to apply for 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*".
- 34.2 The licensing authority considers that "*such matters*" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 34.3 Measures that will satisfy the authority that there will be no access may include:
- The adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
 - Providing notices and signage.
 - Providing information leaflets or helpline numbers for organisations such as Gamcare or gambler Anonymous.
- 34.4 This list is not mandatory, nor exhaustive. It is an example of possible measures.

- 34.5 An alcohol licensed premises may apply for a licence for their non-alcohol licensed areas. Such an application would need to be for an Adult gaming Centre premises licence.
- 34.6 The licensing authority can grant the application with a smaller number of gaming machines and or different categories than that applied for. The licensing authority however, cannot attach any other types of conditions.
- 34.7 The holder of a permit must comply with any Codes of practice issued by the gambling Commission about the location and operation of the gambling machines.
- 34.8 The licensing authority will cancel a permit if the holder fails to pay the annual fee, unless the failure is a result of an administrative error.

35. Small Society Lotteries

35.1 Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence issued by the Gambling Commission or, is an exempt lottery. This Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:-

- Licensed Lotteries (requiring an operating licence from the Gambling Commission);
- Exempt Lotteries (including small society lotteries registered with Gloucester City Council).

35.2. Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:-

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lotteries;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

35.3 The Licensing Authority defines 'society' as the society or any separate branch of such a society on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

Applications to Register

35.4 Applicants for a small society registration must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform

the Society as soon as possible and where possible, will inform the other Licensing Authority.

- 35.5 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all the necessary supporting documents required by the Licensing Authority to determine the application.
- 35.6 If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:
- A list of the members of the society;
 - the society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements;
 - a written declaration from the applicant stating that they represent a bona fide non-commercial society.
- 35.7 The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application:-
- an operating licence held by the applicant for registration has been revoked under section 119(1) of the act, or
 - an application for an operating licence made by the applicant for registration has been refused.
- 35.8 The Licensing Authority may refuse an application for registration if they think that:-
- the applicant is not a non-commercial society;
 - a person who will or may be connected with the promotion of the lottery has
 - been convicted of a relevant offence, or
 - information provided in or with the application for registration is false or misleading.
- 35.9 The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.
- 35.10 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:-
- Whether allowing the registration of the society would be consistent with the Act;
 - Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives;

- Whether allowing the registration of the society would be consistent with any relevant code of practice issued by the Gambling Commission.

35.11 Any decision made at a hearing may be appealed to the Magistrates' Court within 21 days of receiving notice of the decision.

Promoting a small society lottery

35.12 Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

35.13 The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

35.14 As the minimum age for participation in a lottery is 16, this Licensing Authority expects those societies that it registers to have written procedures and policies in place to help prevent and deal with lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets;
- taking action where there are unlawful attempts to purchase tickets.

35.15 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:-

- the name of the promoting society;
- the price of the ticket, which must be the same for all tickets;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is on the external lottery manager (elm);
- the date of the draw, or information which enables the date to be determined.

35.16 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

35.17 With regards to where small society lottery tickets may be sold, this Licensing Authority applies the following criteria to all small society lottery operators:-

Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

35.18 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

35.19 Where the annual fee is not paid by the due date this Licensing Authority will cancel the small society registration. This is subject to the discretion of the Community Wellbeing Manager who shall determine whether cancellation shall apply on a case by case basis. The onus is firmly placed on the Society to ensure they pay the annual fee by the due date.

Financial Returns

35.20 As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

35.21 The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society;
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000;
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed.

35.22 The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

35.23 The following information must be submitted;-

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
- the total proceeds of the lottery;
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;

- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

35.24 The Act also requires that returns must;

- be sent to the licensing authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratch cards) within three months of the last date on which tickets were on sale;
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

35.26 Where societies run more than one lottery in a calendar year, this Licensing Authority must monitor the cumulative total of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

35.27 This Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

35.28 More information regarding [Small Society Lotteries](#) can be found on the Gambling Commission website.

36. Prize Gaming Permits

36.1 The following may provide Prize Gaming:

- Bingo premises as a consequence of their Bingo Operating licence.
- Adult gaming Centres and licensed Family Entrainment Centres.
- Unlicensed Family Entertainment Centres may offer equal chance prize gaming under a gaming machine permit.
- Travelling fairs without a permit, as long as none of the gambling facilities at the fair amount to more than an ancillary amusement.

Children and young people may participate in equal chance gaming only.

36.2 Statement of Principles: The Gambling Act 2005 states that a licensing authority may "prepare a Statement of Principles that they propose to apply in exercising their functions under this schedule" which "may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit".

- 36.3 The 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 intending 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.
 - That the gaming offered is within the law.
 - Clear policies that outline the steps to be taken to protect children from harm.
- 36.4 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act, Schedule 14 paragraph 8(3))
- 36.5 There are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- The limits on participation fees, as set out in regulations, must be complied with;
 - All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - Participation in the gaming must not entitle the player to take part in any other gambling.

37. Club Gaming and Club Machines Permits

- 37.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide;
- Up to 3 machines of categories B, C or D
 - Equal chance gaming
 - Games of chance as set-out in forthcoming regulations.
- 37.2 A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 37.3 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 member equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

37.4 The Commission Guidance also states 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.

37.5 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 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."

37.6 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.

37.7 Once granted a permit lasts for 10 years, unless it is surrendered or forfeited.

[Summary of gaming machine provisions by premises.](#)

38. Temporary Use Notices

38.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

- 38.2 The licensing authority will accept applications of Temporary Use Notices for premises subject to the criteria stated in the legislation and guidance.
- 38.3 Premises are limited to a maximum 21 days of temporary gambling activities per month period, taken as per calendar year, and may be made up of several notices up to the maximum.
- 38.4 The applicant must give notice to the licensing authority at least 3 months and 1 day notice of the activity taking place.
- 38.5 Copies of the notice must be sent by the applicant to:
- The Gambling Commission
 - The Chief Officer of Police of Thames Valley Police
 - HM revenue and Customs, and if applicable
 - Any other licensing authority in whose area the premises are situated
- 38.6 The licensing authority will keep a public register of Temporary Use Notices endorsed to ensure the limits are not being exceeded.

39. Occasional Use Notices

- 39.1 The licensing authority will accept applications of Occasional Use Notices subject to the criteria stated in the legislation and guidance. These notices are to be used for occasional betting activities on tracks.
- 39.2 Tracks are limited to a maximum 8 days of temporary activities per 12 month period, taken as per calendar year, and may be made up of several notices up to the maximum.
- 39.3 The licensing authority will keep a public register of Occasional use Notices endorsed to ensure the limits are not being exceeded.
- 39.4 The licensing authority will give notice of objection if having regard to the licensing objectives it considers that the gambling should not take place, or can only take place with modifications.

APPENDIX A

Summary of Licensing Authority Delegations Permitted under The Gambling Act 2005

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Approval of three year Statement of Principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for Premises Licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received and not withdrawn	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a Premises Licence		X	
Application for club gaming / club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn
Cancellation of club gaming / club machine permits		X	
Applications for other permits			X
Cancellation of licensed Premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to be temporary use notice		X	

'X' - Indicates the lowest level to which decisions can be delegated

APPENDIX B

List of Consultees

Chief Constable of Thames Valley Police
Royal Berkshire Fire & Rescue Service
Association of British Bookmakers
Lotteries Council
British Amusement Catering Trade Association
British Casino Association
Remote Gambling Association
Bingo Association
British Horseracing Board
Advertising Association
Department for Culture, Media and Sport (DCMS)
Gamcare
Age UK
Thames Valley Chamber of Commerce
British Beer and Pub Association
BIIAB
Frimley Health NHS Foundation Trust
Slough Council for Voluntary Service
East Berks Primary Care Trust
Slough Faith Partnership
Slough Business Community Partnership
Slough Children's Trust Board
Betfred
Coral
Gala leisure
Paddy Power
Ladbrokes
Novomatic (Quick Silver)
William Hill
Palace Amusements
All licensed premises/clubs with authorisation for the sale/supply of alcohol
Director of Adults and Communities
Town Centre Management
Economic Growth & Enterprise Manager
LADO
Britwell Parish Council
Colnbrook parish Council
Wexham Parish Council
Community Safety Manager
SBC Communities and Leisure
Pubwatch

In addition, responses to the consultation were invited by press releases to local newspapers and radio stations.

Gambling Act Glossary - APPENDIX C

Adult Gaming Centres	Adult Gaming Centres (AGCs) are a new category of Premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence and must seek a Premises licence from the Licensing Authority. They will be able to make category B, C and D gaming machines available to their customers.
Betting Premises	The Act contains a single class of licence for betting Premises. Within this single class of licence there will be different types of Premises which require Licensing, such as off course betting, tracks and betting offices on tracks.
Bingo	It is to have its ordinary and natural meaning - no definition is included in the Act. Two types of Bingo can be offered. Cash bingo - where the stakes paid made up the cash prizes that were won; or Prize bingo - where various forms of prizes are won and are not directly related to the stakes paid.
Casinos	A Casino is an arrangement whereby people are given an opportunity to participate in one or more Casino games. The Act defines Casino games as a game of chance which is not equal chance gaming.
Customer Lottery	A lottery run by occupiers of a business for the benefit of the customers who buy tickets sold on the Premises (e.g. supermarket holding a hamper raffle).
Exempt Lottery	Incidental non-commercial lotteries Private Lotteries Customer Lotteries Small Society Lotteries
Gambling Act 2005	The Act gives effect to the Government's proposals for reform of the law on gambling. The Act contains a new regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and Spread Betting. It received royal assent on 7 April 2005.
Gambling Commission	Established 1 st October 2005. It has taken over from the Gaming Board for Great Britain relating to gaming and certain lotteries. It will take on its full range of Licensing functions in 2007.
Gaming Machines	Covers all machines on which people can gamble on. Category of machine and where they can be situated are contained in Appendix F.

Incidental Non-Commercial Lottery	Lottery that is run as an additional amusement at non-commercial events with tickets sold only during the event, such as a raffle at a dance or church fair.
Licensed Family Entertainment Centre	The Act creates two classes of family entertainment centres (FEC). Licensed FECs provide category C and D machines and require a Premises licence.
Lotteries	It is unlawful to run a lottery unless it is in accordance with an operating licence issued by the Gambling Commission or it is an exempt lottery.
Occasional Use Notices	Section 39 of the Act provides that where there is a betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full Premises licence.
Off course betting	Betting that takes place other than at a race track.
Private Lottery	Lottery that requires membership of a society, place of work or single residential unit (e.g. raffle at a student hall of residence).
Small Society Lottery	Non-commercial societies if it is established and conducted: <ul style="list-style-type: none"> • For charitable purposes • For the purposes of enabling participating in, or of supporting, sport, athletics or a cultural activity; or • For any other non-commercial purpose other than private gain.
Temporary Unit Notices	These allow the use of Premises 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 which might be suitable for temporary use notices would include hotels, conference centres and sporting venues.
Track	Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks both in the form of pool betting (often known as the "totalisator" or "tote") and also general betting, often known as "fixed-odds" betting.
Travelling Fairs	A travelling fair is one that "wholly or principally" provides amusements and they must be on a site that had been used for fairs for no more than 27 days per calendar year. No permit is required for gaming machines, but they must comply with age restrictions.
Unlicensed Family Entertainment Centres	Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

