

London Borough of Barking and Dagenham
 Draft statement of principles
 Gambling Act 2005

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Part A

1 Purpose of this statement

a This statement of principles sets out how we will meet the conditions of the Gambling Act 2005 (the act). We must publish a statement of principles every three years. We must also review the statement from 'time to time', amend any parts we have consulted on again, and publish it.

This statement takes account of guidance the Secretary of State issued under section 349 of the act.

b This statement aims to:

- make sure that Barking and Dagenham is a clean and safe place to live and work;
- boost the local economy; and
- make sure there is a range of licensed premises within the borough.

c To achieve these aims, we will work with other people and organisations who have an interest in licensing (including the police, the fire service, local businesses, licence holders, local residents and so on) to promote our aims as set out in this statement.

d This statement is about regulating activities that need to be licensed, and focusing on the direct effect those activities have in and around the premises they take place in. This statement is not the main way of controlling general nuisance. If we receive an application for a licence and nobody objects to it, we must grant a licence without any conditions other than those which must apply by law.

e The Gambling Act gives licensing authorities a duty to consult the following.

- The Chief Officer of Police.
- One or more people who we feel represent the interests of people running gambling businesses in our area.
- One or more people who we feel represent the interests of people who are likely to be affected by our actions under the Gambling Act 2005.

We will consult widely on this statement before we agree and publish a final version. A list of the people we are consulting is provided in appendix 1. If we receive comments from people we have not consulted, we will not list all of these.

After our consultation has ended, we will publish the full list of comments which have been made and make available our own views on these comments.

Our consultation will follow the revised code of practice (which came into force in April 2004) and the Cabinet Office's guidance on consultations by the public sector. These documents are available on-line at:

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<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

This statement of principles will not affect anyone's right to make an application, make representations about an application, or apply for a review of a licence, as we will consider each of these based on their own values and in line with the legal conditions of the Gambling Act 2005.

2 Activities covered by this statement

a This statement covers licences for:

- adult gaming centres;
- licensed family-entertainment centres;
- casinos;
- bingo premises;
- betting premises;
- racetracks; and
- travelling fairs

It also provides information on:

- permits for gaming machines in unlicensed family-entertainment centres;
- permits for gaming machines in premises which are licensed to sell alcohol;
- provisional statements;
- reviews;
- permits;
- temporary-use notices;
- occasional-use notices
- prize-gaming permits;
- exchanging information;
- enforcing licensing laws;
- licensing authorities' duties;
- responsible authorities; and
- interested parties.

3 The licensing objectives (aims)

When we carry out our duties under the Gambling Act 2005, we must take account of the licensing objectives as set out in section 1 of the act. These licensing objectives are 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.

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

The Gambling Commission has said: 'The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling'.

We recognise that, when we make decisions about premises licences and temporary-use notices, we should aim to allow using premises for gambling in as long as we believe the gambling is:

- in line with any relevant code of practice issued by the Gambling Commission;
- in line with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing aims; and
- in line with our statement of licensing policy.

4 Our aims

a When we make decisions on granting licences under the Gambling Act 2005, we will consider our responsibilities as set out in the act. These responsibilities are as follows.

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Making sure that gambling is carried out fairly and openly.
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

b We aim to provide a licensing service which:

- is fair and honest, and seen to be so;
- is easy to access for all businesses, residents and people who are interested in licensing (in other words, stakeholders);
- sets and maintains a high standard of service;
- deals effectively with all applications and questions;
- works towards our community priorities (see section 5 of this document); and
- avoids repeating the work of other regulators where possible.

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5 Our community priorities

a As we improve our community's social, economic and environmental wellbeing, it is vital that we deliver our community priorities.

Our community priorities are as follows.

- 'Promoting equal opportunities and celebrating diversity'
- 'Better education and learning for all'
- 'Developing rights and responsibilities with the local community'
- 'Improving health, housing and social care'
- 'Making Barking and Dagenham cleaner, greener and safer'
- 'Raising general pride within the borough'
- 'Regenerating the local economy'

b We will encourage licence applications from businesses that can show how they will contribute to our community priorities.

We are more likely to approve applications that show how the business will:

- actively make sure the area in and around the business is kept clean and free from rubbish;
- take a responsible attitude to children within the premises; and
- make sure levels of noise and nuisance inside and outside their business are kept as low as possible.

c We are less likely to approve applications that are:

- in residential areas or where residents live close to the premises;
- in areas where there is antisocial behaviour; and
- aimed at very young customers.

This statement will not:

- affect anyone's right to apply for a licence under the 2005 Act and have their application considered; or
- prevent anyone from commenting on an application, or putting forward their views about any licence, where the act allows this.

We will consider equally all comments made on licence applications. However, we will not consider any comments which are:

- not relevant;
- not justified;
- made out of spite or to annoy someone; or
- repeating comments which have already been made.

In these circumstances, we will explain our reasons for not considering the comments.

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6 Declaration

By producing our final licensing statement of principles, we declare that we have taken account of the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, local council policies and any responses from people who we consulted on the draft statement.

7 Responsible authorities

'Responsible authorities' are generally public organisations that must be told about all applications. They are entitled to make representations to us if these representations are relevant to the licensing objectives.

Section 157 of the act defines these responsible authorities as:

- the Gambling Commission;
- the police;
- the fire service;
- the local planning authority;
- our environmental health department; and
- HM Revenue & Customs.

We have a duty to say, in writing, which organisation we have chosen to advise us about protecting children from harm, based on certain principles.

These principles are:

- the need for the organisation to be responsible for the area we cover; and
- the need for the organisation to answer to people who have been elected, rather than any group which has a particular interest in our work.

In line with the Gambling Commission's guidance for local authorities, we have chosen the Local Safeguarding Children Board for this purpose.

You can get the contact details of all the responsible authorities under the Gambling Act 2005 from our website at www.lbbd.gov.uk.

8 Interested parties

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

'For the purposes of this Part a person is an interested party in relation to 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 authorities activities

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- b) has business interests that might be affected by the authorised activities
- c) is representing trade associations and trade unions, and residents' and tenants' associations
- d) represents persons who satisfy paragraph (a) or (b).'

We will not, however, generally view those organisations listed in c as interested parties, unless they have a member who can be classed as an interested party under the conditions of the Gambling Act 2005 – for example, if they live close enough to the premises to be likely to be affected by the activities being applied for.

We have a duty to work out whether a person is an interested party, based on certain principles under the Gambling Act 2005. These principles are as follows.

- We will decide each case based on its own values.
- We will not apply a strict rule to our decision-making.
- We will consider the examples of considerations provided by the Gambling Commission's guidance.
- All decisions we make on premises licences will be 'in line' with the Gambling Commission's guidance (section 153).

You may ask your councillor to represent your views on your behalf. However, you should make sure that the councillor is not part of the licensing and regulatory board. If you are not sure, please contact Democratic Services on 020 8215 3007. You can also get more information about the board on our website at www.barking-dagenham.gov.uk/6-living/hcs/licensing/licensing-board.html

9 Exchanging information

We must include in our statement the principles we follow when we exchange information between us and the Gambling Commission, and between us and the other people listed in schedule 6 of the act.

We will act in line with the conditions of the Gambling Act 2005 when we exchange information – this includes the condition that we will not break the Data Protection Act 1998. We will also take account of any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

10 Enforcing licensing laws

We have a duty under part 15 of the Gambling Act 2005 to set out the principles we will apply when we inspect premises, and the powers we have under section 346 of the act to start criminal proceedings for any offences which have been committed.

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- We will enforce licensing laws (that is, make sure premises have kept to licensing laws) in line with the principles of the local government enforcement concordat and in line with our enforcement policy. You can find details on our website at <http://www.barking-dagenham.gov.uk/6-living/hcs/health-consumer-about.html>. We will work closely with the police to make sure our enforcement measures work effectively. We plan to develop our enforcement procedures with the local police and other people who have an interest in licensing.
- We will carry out risk assessments to see if we need to visit and inspect licensed premises. We will not regularly visit and inspect licensed premises under the Gambling Act, unless we have received complaints about the premises or we have other concerns about the premises and the way the business is being run.
- The police and other agencies outside the council will continue to regularly visit all licensed premises.

Our principles are that we will:

- be guided by the Gambling Commission's guidance for local authorities;
- try to apply conditions that depend on the size and activities of the business;
- be accountable (that is, able to justify our actions), consistent and open;
- only get involved when necessary, find solutions which are appropriate for the risks, and identify and try to reduce our costs;
- act fairly when putting our rules and standards into practice;
- try to keep regulations simple and 'user-friendly';
- focus on the problems and try to limit the effects of them;
- where possible, try to avoid repeating the work that other regulatory services have done; and
- carry out an inspection programme based on Health and Safety and other legal conditions.

Our main role under the Gambling Act 2005 will be to make sure gambling premises do not break the conditions of their licences and other permission which we may give them.

The Gambling Commission will deal with operating licences, personal licences, making sure unlicensed premises do not break licensing laws, and concerns about manufacturing, repairing and supplying gaming machines.

We will also keep up to date with the work of the Better Regulation Executive, whose role is to consider how local authorities use regulation.

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So we work as openly as possible, you can find all our policies and standards on our website at www.lbbd.gov.uk or by contacting Barking and Dagenham Direct on 020 8215 3007.

11 Our duties

As a licensing authority, we have a duty under the act to:

- be responsible for issuing premises licences where gambling activities will take place;
- issue provisional statements;
- regulate members' clubs and miners' welfare institutes who want to carry out certain gaming activities by issuing club gaming permits and club machine permits;
- issue club machine permits to commercial clubs;
- grant permits for using certain lower-stake gaming machines at unlicensed family-entertainment centres;
- receive applications from premises licensed to sell alcohol (under the Licensing Act 2003) for using two or fewer gaming machines;
- grant gaming machine permits for premises licensed to sell or supply alcohol (under the Licensing Act 2003) where more than two machines are needed;
- register small-society lotteries below prescribed thresholds;
- issue prize-gaming permits;
- receive and approve temporary-use notices;
- receive occasional-use notices;
- provide information to the Gambling Commission about licences we have issued (see the section above on 'Exchanging information'); and
- keep registers of the permits and licences we have issued.

We will not be involved in licensing remote gambling (for example, internet gambling). This will be the Gambling Commission's role.

12 Complaints against licensed premises

We will investigate complaints against licensed premises about matters relevant to the licensing objectives we are responsible for. We encourage people who complain to raise their complaints directly with the licensee or the business concerned to try to sort out the problem themselves.

Where an interested party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, we may recommend holding a meeting for the people involved to deal with the issues that are concerning them.

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This process will not affect anyone's right to ask the licensing committee to consider their objections, or for any licence holder to refuse to take part in a meeting.

We will consider all relevant representations unless they are not relevant, made out of spite or to annoy someone, or repeating complaints which have already been made.

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Part B

Premises licences

1 General principles

Premises licences must meet the conditions set out in the Gambling Act 2005 and other regulations, as well as specific regulations issued by the Secretary of State. We are able to include or not include certain conditions, if we think this is appropriate.

We recognise that, when we make our decisions about premises licences, we should aim to allow using premises for gambling, as long as we feel that it is:

- in line with any relevant code of practice issued by the Gambling Commission;
- in line with any relevant guidance issued by the Gambling Commission and our statement of principles; and
- reasonably consistent with the licensing objectives.

We appreciate that, as set out in the Gambling Commission's guidance for local authorities, 'moral objections to gambling are not valid reasons to reject an applications for premises licences' (except with any 'no casino resolution' (see part B, section 4 of this document)). We also appreciate that demand not being met is not a valid reason for a licensing authority.

Definition of 'premises' – Premises is defined in the act as 'any place'.

Different premises licences cannot apply to single premises at different times. However, it is possible for a single building to have more than one premises licence, as long as they are for different parts of the building and the different parts of the building can be reasonably classed as being different premises. Whether different parts of a building can properly be classed as being separate premises will depend on the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate (for example, a marquee or a Portakabin) can be properly classed as different premises.

We will take account of the Gambling Commission's guidance for local authorities which says the following.

- We should take particular care in considering applications for a number of licences for one building and those which involve a separate part of a building used for other (non-gambling) purposes. In particular, we should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and easy to identify so that the different premises are clearly separated and people do not accidentally 'drift' into a gambling area.
- We should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be

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licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting these applications, for example, whether children can access the premises, whether the two premises can work together, and whether the premises are able to meet the conditions of the act. However, we should also consider whether, taken as a whole, the licensed premises being accessed through other premises would create an arrangement which, otherwise, would, or should, not be allowed under the act.

An applicant (the person applying for a licence) cannot get a full premises licence until the premises the licence is for has been built. The Gambling Commission has advised that the term 'the premises' refers to the premises where gambling may now take place. As a result, we will only issue licences to premises that are ready to be used for gambling. We agree with the Gambling Commission that whether premises are finished to a point where they can be considered for a premises licence depends on the circumstances. The Gambling Commission says that needing the building to be complete makes sure that we, and other responsible authorities who have the right to do so, can fully inspect the building if necessary.

Location

We recognise that demand cannot be taken into account with where premises are located, but that considerations about the licensing objectives can. As set out in the Gambling Commission's guidance for local authorities, we will pay particular attention to protecting children and vulnerable people from being harmed or exploited by gambling, as well as issues with crime and disorder. If we decide on any specific policy which deals with areas where gambling premises should not be located, we will update this statement. Any policy of this kind does not prevent anyone from making an application, and we will consider each application based on its own values. The applicant will be responsible for showing how potential concerns can be dealt with.

Repeating the work of other regulatory systems

We will look to avoid repeating what other regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, but we will listen to, and consider carefully, any concerns about conditions which licensees will not be able to meet because of planning restrictions.

Licensing objectives

Premises licences we grant must be reasonably consistent with the licensing objectives. With these objectives, we have considered the Gambling Commission's guidance to local authorities, and some comments are set out below.

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

We recognise 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, recommend that licensing authorities should pay attention to where gambling premises will be located. So, where an area has high levels of organised crime, we will consider carefully whether it is appropriate for gambling premises to be located there and whether conditions such as providing door supervisors may be suitable. We recognise the difference between disorder and nuisance and will consider factors such as whether police help was needed and how threatening the behaviour was to those who could see it. We cannot deal with issues of nuisance through the conditions of the Gambling Act.

Ensuring that gambling is conducted in a fair and open way

The Gambling Commission has said that it would generally not expect us to be concerned with making sure that gambling is carried out fairly and openly, as they will deal with this by issuing operating licences and personal licences. However, we will have more of a role with racetracks – this is explained in more detail in the 'Racetracks' section below.

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

The Gambling Commission's guidance for local authorities says that this objective means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at, or particularly attractive to, children). As a result, we will consider, as suggested in the Gambling Commission's guidance, whether appropriate measures need to be put in place in certain premises. Appropriate measures may include supervising entrances or machines, separating gambling areas and so on.

We will also take account of the codes of practice which the Gambling Commission issues about specific premises such as casinos.

The Gambling Commission does not offer a definition of 'vulnerable persons', but says that 'it will for regulatory purposes assume that this group includes people who:

- gamble more than they want to;
- gamble beyond their means; or
- may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.'

We will consider this licensing objective by looking at each case separately. If a practical definition of 'vulnerable persons' is put forward in the future, we will update this policy statement to include that definition.

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Conditions

Any conditions attached to licences will depend on the size and activities of the business and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly relevant to the premises and the type of licence the applicant has applied for;
- fairly and reasonably relevant to the scale and type of premises; and
- reasonable in all other ways.

We will make decisions on individual conditions by looking at each case separately, although there will be a number of measures we will consider using if these are necessary, such as using supervisors, appropriate signs for adult-only areas and so on. There are specific comments made about this under some of the types of licence below. We will also expect the applicant to offer their own suggestions on how the licensing aims can be met effectively.

We will also consider specific measures which may be needed for buildings with more than one premises licence. These measures may include supervising entrances, separating gambling areas from non-gambling areas where children are allowed, and supervising gaming machines in premises where children have access to the machines. These matters are in line with the Gambling Commission's guidance.

We will also make sure that, where category-C or above machines (in other words, gaming machines which the Government have put into categories depending on things such as the maximum amount of money the machine can pay out and so on) are on offer in premises which children have access to:

- all machines are located in an area of the premises which is separate from the rest of the premises by a physical barrier which prevents access other than through a specific entrance;
- only adults are allowed in 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 clearly seen by the staff or the licence holder; and
- at the entrance to and inside any of these areas, there are clearly displayed notices showing that people under 18 are not allowed in these areas.

These considerations include buildings which have more than one premises licence.

We recognise that racetracks may have one or more than one premises licence, as long as each licence applies to a specific area of the track. In line with the Gambling Commission's guidance, we will consider the effects of this on the third licensing aim, and the need to make sure that entrances to each

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type of premises are clearly set out and that children are prevented from entering gambling areas where they are not allowed to enter.

There are conditions which we cannot attach to premises licences. These are as follows.

- Any condition on the premises licence which makes it impossible to keep to a condition of an operating licence.
- Conditions that deal with gaming-machine categories, numbers, or how they are used.
- Conditions which say the applicant needs to be a member of a club or organisation (the Gambling Act 2005 removes this condition for casino and bingo clubs, and this prevents the condition from being restored).
- Conditions that apply to stakes, fees, winnings or prizes.

Door supervisors

When taking into account the licensing objectives for protecting children and vulnerable people from being harmed or exploited by gambling, and preventing premises from becoming a source of crime, we may consider whether there is a need to use door supervisors. However, because the door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA), we have specific conditions for door supervisors working at these premises. These conditions say that anyone acting as a door supervisor must have a police background check, and the police must be aware of anyone who is employed as a door supervisor at these premises. This is because the work involves things such as searching people, dealing with potentially aggressive people and so on.

For premises other than casinos and bingo premises, we may decide that supervising entrances or machines is appropriate in certain cases. We will decide whether these supervisors need to be licensed by the SIA or not. We will not automatically assume that they need to be.

2 Adult gaming centres

We will take account of the need to protect children and vulnerable people from being harmed or exploited by gambling, and will expect the applicant to show that there will be suitable measures in place to, for example, make sure that people under 18 do not have access to the premises.

We will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures or licence conditions may cover issues such as:

- proof-of-age schemes;
- CCTV;
- supervising entrances or machine areas; and
- physically separating areas.

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3 Licensed family-entertainment centres

We will take account of the need to protect children and vulnerable people from being harmed or exploited by gambling, and will expect the applicant to show us, for example, that they will put suitable measures in place to make sure that people under 18 do not have access to the adult-only machine areas.

We will expect applicants to offer their own measures to meet the licensing. Appropriate measures or licence conditions may cover issues such as:

- CCTV;
- supervising entrances or machine areas;
- physically separating areas;
- entrances and exits;
- notices or signs;
- specific opening hours;
- self-barring schemes (in other words, a scheme where a gambler can ask to be stopped from entering the gambling premises);
- providing information leaflets or helpline numbers for organisations such as GamCare; and
- measures or training for staff on how to deal with schoolchildren on the premises who they suspect are skipping school.

This list is not a full one, and is only to give examples of the measures that applicants can take.

We will, following the Gambling Commission's guidance, refer to the commission's website to see if any conditions that apply to operating licences cover the way in which the area containing the category-C machines should be changed. We will also take account of any other conditions on these premises licences, when they have been published.

4 Casinos

'No casino' resolutions

We have not passed a 'no casino' resolution (that is, a policy which means we would not issue casino licenses) under section 166 of the Gambling Act 2005. However, we recognise that we have the power to do so. If we decide in the future to pass one of these resolutions, we will update this statement with details of that resolution. Any decision of this kind will be made by the full council.

Casinos and competitive bidding

We recognise that, where a licensing authority area is allowed to grant a premises licence for a new-style casino (the Secretary of State has made these regulations under section 175 of the Gambling Act 2005), there are likely to be a number of operators which will want to run the casino. In these

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situations, we will run a 'competition' under schedule 9 of the Gambling Act 2005 in line with any regulations or codes of practice issued under the Gambling Act 2005.

Licence considerations or conditions

The Gambling Commission has said that 'further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises' (the Gambling Commission's guidance for local authorities – section 17.30). We will consider this guidance when the commission makes it available.

Betting machines

We will, following the Gambling Commission's guidance, take into account the size of the premises, the number of counters available for person-to-person transactions, and whether staff are able to monitor the use of the machines by children and young people (it is an offence for those under 18 to bet) or by vulnerable people, when we consider the number, type or circumstances of betting machines an operator wants to offer.

5 Bingo premises

The Gambling Commission's guidance says:

'18.4 – 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.'

We also recognise that the Gambling Commission is going to issue more guidance about the particular issues that licensing authorities should take into account about the layout of bingo premises and how suitable they are. We will consider this guidance once the commission makes it available.

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6 Betting premises

Betting machines

We will, following the Gambling Commission's guidance, take into account the size of the premises, the number of counters available for person-to-person transactions, and whether staff are able to monitor the use of the machines by children and young people (it is an offence for those under 18 to bet) or by vulnerable people, when we consider the number, type or circumstances of betting machines an operator wants to offer.

7 Racetracks

We recognise that racetracks may have one or more than one premises licence, as long as each licence applies to a specific area of the track. In line with the Gambling Commission's guidance, we will especially consider the effects of this on the third licensing objective (that is, protecting children and vulnerable persons from being harmed or exploited by gambling) and the need to make sure that entrances to each type of premises are clearly set out and that children are prevented from entering gambling areas where they are not allowed.

As a result, we will expect the applicant to show that they will put suitable measures in place to make sure that children do not have access to adult-only gaming facilities. Children and young people will be allowed to enter track areas where facilities for betting are provided on days when dog racing or horse racing takes place, but they are still prevented from entering areas where gaming machines (other than category-D machines) are provided.

We will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures or licence conditions may cover issues such as:

- proof-of-age schemes;
- CCTV;
- supervising entrances and machine areas;
- physically separating areas;
- entrances and exits;
- notices and signs;
- specific opening hours;
- self-barring schemes;
- providing information leaflets or helpline numbers for organisations such as GamCare.

This list is not a full one, and is only to give examples of the measures that applicants can take.

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Gaming machines

We are waiting for more guidance from the Gambling Commission about where gaming machines should be located at racetracks, and any special considerations that should apply, for example, to supervising the machines and preventing children from playing them. We have taken account of the commission's guidance that we need to consider when deciding where gaming machines should be put at racetracks, and applications for premises licences will need to show that, where the applicant holds a pool-betting operating licence and is entitled to offer four gaming machines, these machines are located in areas which children do not have access to. Children and young people are allowed to category-D gaming machines at racetracks.

Betting machines

We will take into account the size of the premises and whether staff are able to monitor the use of the machines by children and young people (it is an offence for those under 18 to bet) or by vulnerable people, when we consider the number, type or circumstances of betting machines an operator wants to offer, in line with the Gambling Commission's guidance. We will also take account of the Gambling Commission's suggestion that we should consider restricting the number and location of these machines when considering applications for racetrack-betting premises licences.

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.'

Applications and plans

We are waiting for regulations which set out any specific conditions for applications for premises licences. So we can properly understand what we are being asked to license, we may need extra details in line with the commission's guidance. These will include detailed plans for the racetrack itself and the area that will be used for temporary 'on-course' (on site) betting facilities (often known as the 'betting ring'), and, with dog tracks and horse racecourses, fixed and mobile pool-betting facilities run by the tote or track operator, as well as any other proposed gambling facilities. The commission's guidance says 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.'

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The commission would prefer all self-contained premises run by ‘off-course’ (off site) betting operators on the track to have separate premises licences, to make sure that the responsibilities of the track operator and the off-course betting operator are clearly set out.

8 Travelling fairs

We will decide if any conditions for the gambling facilities mean the facilities would only be used as a way of entertaining people and not as the main reason for the fair itself. We will also decide if category-D machines or equal-chance prize gaming without a permit will be made available.

We will decide whether the applicant falls within the legal definition of a travelling fair.

The 27-day legal limit for the land being used as a fair is for each calendar year, and applies to the piece of land which the fairs are held on, regardless of whether it is the same or different travelling fairs using the land. We will work with our neighbouring authorities to make sure that land which crosses our boundaries is monitored so that the limits are kept to.

9 Provisional statements

The Gambling Commission’s guidance says 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’.

With representations about applications for premises licences, after we have granted a provisional statement, we cannot take any more representations from relevant authorities or interested parties into account unless they concern matters which we could not have dealt with at the provisional-statement stage, or they reflect a change in the applicant’s circumstances. Also, we may refuse the premises licence (or grant it on conditions which are different to those attached to the provisional statement) only by referring to matters:

- a which people objecting to the licence could not have raised at the provisional licence stage; or
- b which, in our opinion, reflect a change in the operator’s circumstances.

We have taken note of the Gambling Commission’s guidance that ‘a licensing authority should not take into account irrelevant matters’. One example of an ‘irrelevant matter’ would be ‘the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal’.

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10 Reviews

Interested parties or responsible authorities can ask for a review of a premises licence. However, it is for us to decide whether the review will be carried out. This will be based on whether the request for the review is relevant to the matters listed below, and whether:

- we consider the request to not be relevant, to be made out of spite or to annoy someone;
- it will not cause us to change, take back or suspend the licence; or
- it is mostly the same as previous representations or requests for review.

The request must be:

- in line with any relevant code of practice issued by the Gambling Commission;
- in line with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in line with our statement of licensing policy.

We can also review a licence for any reason which we think is appropriate.

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Part C

Permits or temporary- and occasional-use notices

1 Permits for gaming machines in unlicensed family entertainment centres (FEC) (statement of principles on permits – schedule 10, paragraph 7)

If a premises does not hold a premises licence but wants to provide gaming machines, it may apply to us for this permit. The applicant must show that the premises will be totally or mainly used for making gaming machines available to use (section 238).

The Gambling Act 2005 says that we may prepare a statement of principles to use when we consider whether an applicant is suitable for a permit. When we prepare this statement and consider applications, we do not need to (but may) take account of the licensing objectives. We will, however, take account of any relevant guidance issued by the commission under section 25. The Gambling Commission's guidance for local authorities also says: '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 permits and licensing authorities will want to give weight to child protection issues' (section 24.6).

We will only grant an application for a permit if we are satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application.

Applicants will be expected to show that:

- they fully understand the maximum stakes and prizes of the gambling that is allowed in unlicensed FECs;
- they have no relevant convictions (those that are set out in schedule 7 of the act); and
- their staff are trained to fully understand the maximum stakes and prizes (section 24.7).

A licensing authority cannot attach conditions to this type of permit.

Statement of principles

We will expect the applicant to show that they have put policies and procedures in place to protect children from harm. In this case, harm is not limited to harm from gambling but includes wider considerations about child protection. We will consider how efficient these policies and procedures are, based on their own values. However, the policies and procedures should include appropriate measures or training for staff to help them deal with schoolchildren on the premises who they suspect are skipping school, very young children on the premises who are not supervised, or children causing problems on or around the premises. We will also expect, in line with the

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Gambling Commission's guidance, that applicants show that they fully understand the maximum stakes and prizes of the gambling that is allowed in unlicensed FECs, that they have no relevant convictions (those that are set out in schedule 7 of the act), and that their staff are trained to fully understand the maximum stakes and prizes.

2 Permits for gaming machines in premises which are licensed to sell alcohol (statement of principles on permits, schedule 13, paragraph 4(1))

The act allows premises which are licensed to consume alcohol on the premises, to automatically have two category-C or category-D gaming machines, of categories C and/or D. The premises only need to tell us that they plan to provide these machines. We can remove the condition that allows them to automatically provide these gaming machines if:

- by providing the machines, their actions are not reasonably consistent with the licensing objectives;
- gaming which has taken place on the premises has broken a condition of section 282 of the Gambling Act, for example:
 - the gaming machines have been made available in a way that does not meet conditions about where the machines should be located or how they should be used;
 - the premises has not given us written notice;
 - the premises has not paid the relevant licensing fee; or
 - that any relevant code of practice issued by the Gambling Commission has not been applied;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If a premises wants to have more than two machines, it needs to apply for a permit. We must consider that application based on the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Gambling Act 2005, and any other matters we think are relevant. We will consider each case on its own, but generally we will take account of the need to protect children and vulnerable people from being harmed or exploited by gambling, and will expect the applicant to show that they will put suitable measures in place to make sure that young people under 18 do not have access to the adult-only gaming machines. These measures may include putting the adult-only machines in sight of the bar or where staff can monitor that the machines are not being used by people who are under 18. Notices and signs may also help. To protect vulnerable people, applicants may want to consider providing information leaflets or helpline numbers for organisations such as GamCare.

We recognise that some premises which are licensed to sell alcohol may apply for a premises licence for their areas which are not licensed. Any application of this kind would most likely need to be applied for, and dealt with, as an adult gaming centre premises licence.

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We can decide to grant the application with a smaller number of machines or a different category of machines than the applicant has applied for. Conditions (other than these) cannot be attached.

Permit holders must follow any code of practice issued by the Gambling Commission about where machines should be located and how they should be used.

3 Prize gaming permits (statement of principles on permits – schedule 14, paragraph 8 (3))

The Gambling Act 2005 says we may 'prepare a statement of principles that we 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'.

The principles we will apply are as follows.

- The applicant should set out the types of gaming that they plan to offer, and should be able to show that:
 - a they understand the limits to stakes and prizes that are set out in regulations; and
 - b that the gaming they offer is within the law.

When we consider an application for this kind of permit, we do not need to take account of the licensing objectives. We must, however, take account of any guidance the Gambling Commission has issued. We will consider each application based on its own values.

There are conditions in the Gambling Act 2005 which the permit holder must keep to, but we cannot attach extra conditions. The conditions the permit holder must follow are as follows.

- They must keep to the limits on fees for taking part, as set out in regulations.
- All chances to take part in the gaming must be provided on the premises where the gaming is taking place and on one day. The game must be played and completed on the day the chances are provided, and the result of the game must be made public in the premises on the day that it is played.
- The prize which the game is played for must not be more than the amount set out in regulations (if the prize is money) or, if the prize is something other than money, the amount of money it cost to play the game.
- Taking part in the gaming must not entitle the player to take part in any other gambling.

Only people who occupy or plan to occupy the premises, and are aged 18 or over (if the applicant is a person and not an organisation), can apply for a permit. No premises licence or club gaming permit under the Gambling Act 2005 can be in force.

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4 Club gaming and club machines permits

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will allow the premises to provide gaming machines (three category-B, category-C or category-D machines), equal-chance gaming and games of chance as set out in regulations. A club gaming machine permit will allow the premises to provide gaming machines (three category-B, category-C or category-D machines).

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

The commission's 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.'

There is also a quick procedure available under the act for premises which hold a club premises certificate under the Licensing Act 2003 (schedule 12, paragraph 10). The Gambling Commission's guidance for local authorities says: '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'....'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.'

There are conditions for club gaming permits that say that children must not use category-B or category-C machines on the premises, and that permit

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holders must follow any relevant codes of practice about where machines should be located and how they should be used.

5 Temporary-use notices

There are a number of legal conditions for temporary-use notices. The Gambling Commission's guidance says that the meaning of 'premises' in part 8 of the act is discussed in part 7 of this guidance. As with 'premises', the definition of 'a set of premises' will depend on the particular circumstances of each notice that is given. In the act, 'premises' is defined as including 'any place'. When we consider whether a place can be defined as 'a set of premises', we will need to look at, among other things, who owns, occupies and controls the premises. This is a new condition, and we should be ready to refuse notices where it appears that they would allow regular gambling in a place that could be described as one set of premises.

6 Occasional-use notices

We have very little influence on these notices apart from making sure that the legal limit of eight days in a calendar year is kept to. However, we will consider the definition of a 'racetrack' and whether the applicant is allowed to use the notice.

7 Granting licences

- a We will grant licence applications that no-one objects to, as long as the person or business applying for the licence can meet all relevant standards we set.
- b We issue a premises licence for the lifetime of the business at the premises concerned. The licence does not need to be renewed each year. If a business changes ownership, or the type of activity at the premises changes significantly, we will consider the licence again.
- c To run a licensed premises, a person must hold a personal licence and hold an operator's licence issued by the Gambling Commission.
- d Although we may grant a licence, we can review it at any time. We can also restrict the premises' licensed hours or withdraw the licence.

8 Licensing board

- a Under the Gambling Act 2005, our licensing and regulatory board will perform all our duties towards licensing, as set out in appendix 3.
- b We will appoint 10 members to sit on the licensing board. Only councillors who have received licensing training will take part in decisions on licensing matters, unless they are disqualified from doing so.

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c Members of the licensing board will not take part in any licensing decisions about premises they have an interest in and will not be able to hear cases about premises within their ward (the area they represent).

d If a licensing board starts considering a licensing matter but does not reach a decision, the same board members will consider the matter again, and make a decision.

e Some licensing decisions will be made by the licensing board, and some by council officers through delegated authority (that is authority agreed by the Chief Executive), in line with the table set out in appendix 3.

9 Licence fees

a We will charge the licence fees set under the act. The licence fees we receive will help to fund the cost of providing our licensing service, including the costs of:

- consulting stakeholders;
- enforcing licensing laws;
- inspecting licensed premises;
- considering licence applications;
- supporting a licensing board;
- setting up and managing the service; and
- handling appeals against licensing decisions.

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Appendix 1

Stakeholders who we are consulting on this draft statement

- Area Child Protection Committee
- Association of British Bookmakers
- Social Services
- Association of Licensed Multiple Retailers
- Campaign for Real Ale Limited
- British Beer and Pub Association
- British Amusement Catering Trade Association (BACTA)
- Business in Sport and Leisure
- Mecca Bingo Ltd
- Gamcare
- Barking and Dagenham Chamber of Commerce
- Cleaner Greener Safer Community Group
- Those who hold club premises certificates under the Licensing Act
- Those who hold premises licences under the Licensing Act
- Premises who currently have gaming licences
- Community forums
- Community Safety Strategic Partnership
- Barking and Dagenham Primary Care Trust
- Community Voluntary Service
- Drug Action Team
- Probation Service
- Elected Councillors
- Fire service
- Council staff
- HM Revenue & Customs
- Local authority coordinating body on regulatory services
- School governors
- Those who hold, or might need to hold, licences

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- Police
- Neighbouring local authorities
- Magistrates
- Town centre manager
- Dagenham Village Partnership
- Gaming-machine suppliers who regularly apply for gaming permits in Barking and Dagenham

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Appendix 2

Details of responsible authorities

Licensing Service
Environmental and Enforcement Services
Roycraft House
15 Linton Road
Barking IG11 8HE

Police Licensing Officer
First floor
Roycraft House
15 Linton Road
Barking IG11 8HE

Group Manager
Planning and Development Control
London Borough of Barking and Dagenham
Ground Floor
Barking Town Hall
Town Hall Square
Barking IG11 7LU

London Fire Brigade
Barking and Newham Borough Team
210 High St South
London E6 3RS

Environmental Health
London Borough of Barking and Dagenham
Environmental and Enforcement Services
Roycraft House
Linton Road
Barking IG11 8HE

The Gambling Commission
Berkshire House
168-173 High Holborn
London WC1V 7AA

ACPC Administrator
Mandeep Sagoo
London Borough of Barking and Dagenham
Social Services
Child Protection
Civic Centre
Wood Lane
Dagenham RM10 7BN

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Appendix 3

Table of who makes licensing decisions

Matter being decided	Full council	Licensing board	Council officers
Three-year statement of principles	X		
Policy not to allow casinos	X		
Application for premises licences	--	If anyone objects	If no one objects, or objections have been withdrawn
Application to vary (change) a licence	--	If anyone objects	If no one objects, or objections have been withdrawn
Application to transfer a licence	--	Where objections have been received from the commission	Where no objections have been received from the commission
Application for a provisional statement	--	If anyone objects	If no one objects, or objections have been withdrawn
Review of a premises licence	--	X	--
Application for club gaming or club machine permits	--	If anyone objects	If no one objects, or objections have been withdrawn
Cancelling club gaming or club machine permits	--	X	--
Applications for other permits	--		X
Cancelling permits for gaming machines in licensed premises	--	--	X
Considering a temporary-use notice	--	--	X

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Decision to give a counter notice to a temporary-use notice	--	X	--
Deciding whether a person is an interested party	--	--	X
Deciding whether representations are relevant	--	--	X
Deciding whether a representation is not relevant, has been made out of spite or to annoy someone, or repeats comments which have already been made	--	--	X

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Appendix 4 – Glossary of terms

Some of the words and terms we use in this document are defined as follows.

Licences	Premises licences, temporary-use notices, and permits and registrations which are needed under the act
Applications	Applications for licences and permits
Notifications	Notifications of temporary- and occasional-use notices
Act	The Gambling Act 2005
Regulations	Regulations made under the Gambling Act 2005
Premises	Any place, including a vehicle, a vessel (that is, a boat or a ship) or a structure that can be moved
Code of practice	Any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory condition	A specific condition, set out in regulations, which can be attached to a licence
Default condition	A specific condition, set out in regulations, which can be attached to a licence, unless we class it as an exception
Interested party	For the purposes of this Act, and when an application for a premises licence is made, a person is an interested party if, in the licensing authority's opinion, the person: <ul style="list-style-type: none">a lives close enough 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; orc represents people who meet conditions a or b above.