



# **Statement of Gambling Policy**

**2020-2023**

# Document Control

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## 1. Introduction

- 1.1 The Gambling Act 2005 (the “Act”) requires this Licensing Authority to consult on and publish a ‘Statement of Gambling Policy’ in relation to its responsibilities under the Act. Once published, this Policy Statement will be kept under constant review and formally reviewed every three years. Before any revision of this Policy is published, this Authority will carry out a full consultation exercise on the relevant sections. The current Statement of Gambling Policy has been revised following a review and this document is for the period 2020-2023.

Section 25 of the Gambling Act 2005 states that;

*The (Gambling) Commission shall from time to time issue guidance as to-*

*(a) The manner in which local authorities are to exercise their functions under this Act, and*

*(b) In particular, the principles to be applied by local authorities in exercising functions under this Act.”*

- 1.2 The Gambling Commission states in the Introduction to its Guidance to Licensing Authorities:

*‘The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions. It does not seek to impose a ‘one size fits all’ model across all licensing authorities. We recognise that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Gambling Act 2005 establishes a high degree of local accountability for gambling regulation.*

*This Guidance does not, therefore, attempt to fetter the discretion that licensing authorities have under the Gambling Act 2005 and it is not intended to replace their judgement in individual cases. Moreover, this Guidance cannot anticipate every set of circumstances that may arise and, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. There should, however, be strong reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.’*

- 1.3 This Policy, therefore, generally follows the principles laid down in the Gambling Commission’s Guidance to Licensing Authorities.

The Act may be accessed via:

<http://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Commission’s Guidance to Licensing Authorities may be accessed via:

<http://www.gamblingcommission.gov.uk/PDF/GLA5- updated-September-2016.pdf>

- 1.4 The Act also requires this Authority to carry out its various licensing functions to be reasonably consistent with the following three licensing objectives:

- Preventing gambling from being a source of crime and 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.

1.5 As required by the Guidance issued by the Gambling Commission, the Council, in carrying out its licensing functions under the Act will aim to permit the use of premises for gambling as long as it is considered to be:

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Commission,
- reasonably consistent with the licensing objectives, and
- in accordance with this Policy Statement published under Section 349 of the Act.

Nothing in this Statement of Gambling Policy will override the right of any person to make an application under this Act and have that application considered on its individual merits. Equally, nothing in this Statement of Gambling Policy will undermine the right of any person to make representations to an application, or seek a review of a licence where there is a legal power to do so. This Authority will ensure that, when considering applications under this legislation, it will avoid duplication with other regulatory regimes.

1.6 Previous gambling legislation required that the grant of certain gambling permissions should take account of whether there was an unfulfilled demand for gambling facilities. However, unfulfilled demand is not a criterion for a Licensing Authority in considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.

1.7 The Licensing Authority will not take into consideration any moral objections to Gambling when considering an application for a premises licence.

1.8 All references to the Gambling Commission's Guidance relate to the fifth Edition (Published in September 2015 with Parts 17, 18 and 19 updated September 2016). These are liable to change as the Guidance is revised from time to time and, if considered necessary, this Statement of Gambling Policy will be revised to comply with any future changes to the Guidance. A copy of the current Gambling Commission Guidance can be found on the Council's website.

## **2 Profile of the London Borough of Havering**

- 2.1 The London Borough of Havering has a rich history. It is located on the periphery of North East London neighbouring Essex. The area has good road and rail links and boasts a 3-mile river frontage. It is currently a major centre for regeneration and development.
- 2.2 Granted a royal liberty 540 years ago, the borough has held a regular street market since 1247. Today Havering is London's third largest borough, with a population of over 250,000 and an area of 11,227 hectares, of which almost over half is open green space.
- 2.3 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. Leisure facilities are second to none, with three recently renovated leisure centres with state-of-the-art equipment and facilities.
- 2.4 The borough is also a great place to shop with bustling town centres where Romford town Centre attracts 250,000 regular shoppers alone. In addition to Romford there are small local shopping centres in Harold Hill, Collier Row, Hornchurch, Cranham, Upminster, Elm Park and Rainham (see Map 1).
- 2.4 Havering's Vision is 'Cleaner, Safer, Prouder, Together' embracing the best of what Havering has to offer and is focused around four cross-cutting priorities: communities, places, opportunities and connections.

### **Communities – A helping hand**

Helping young and old fulfil their potential through high-achieving schools and by supporting people to live safe, healthy and independent lives.

### **Place – Great place to live**

Making sure that our neighbourhoods are a great place to live by investing in them and keeping them clean, green and safe with access to quality parks and leisure facilities.

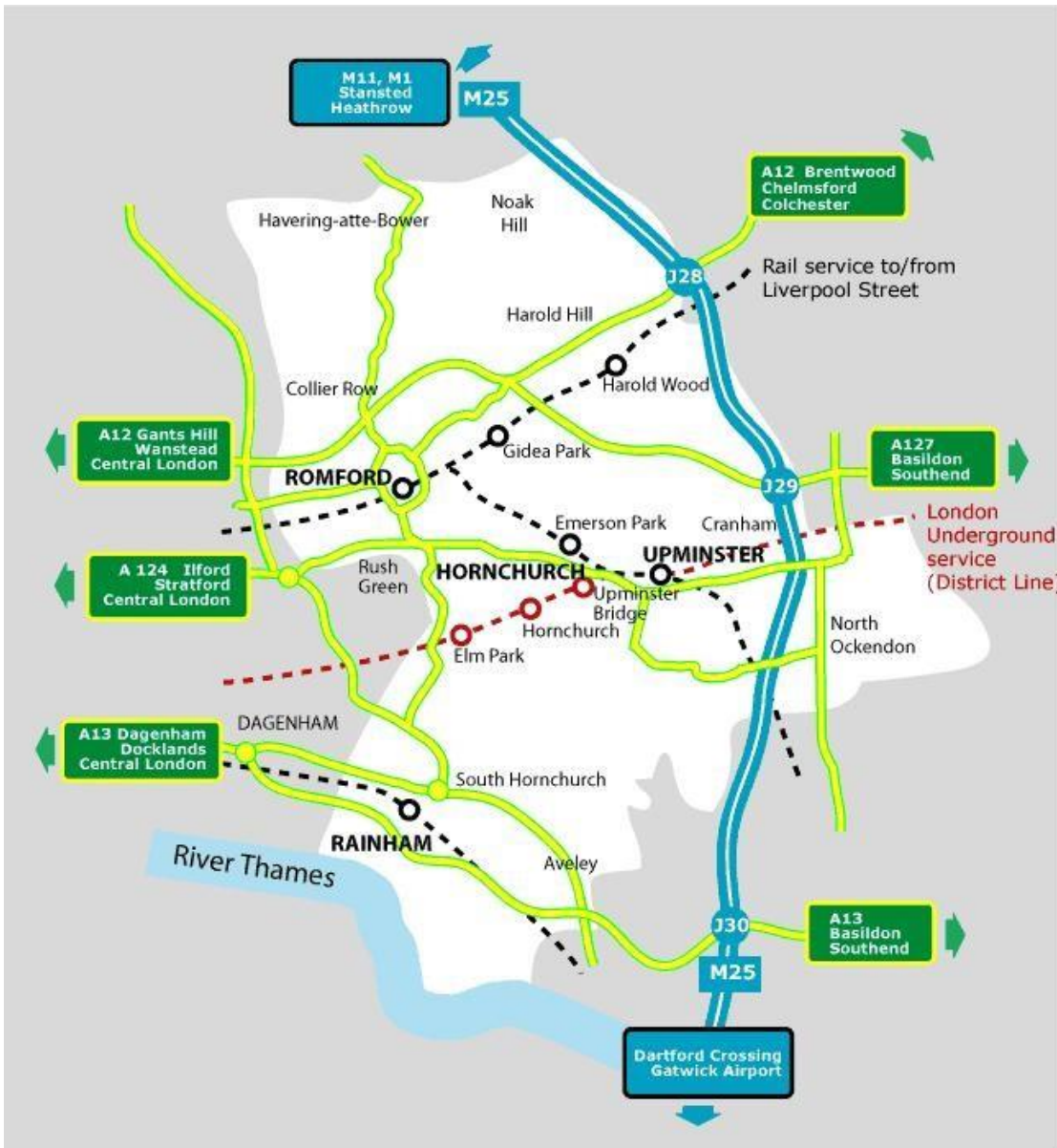
### **Opportunities – Making life better**

Helping people get on in life by creating jobs and skills opportunities and building genuinely affordable homes.

### **Connections – Making life easier**

Making it easier for people to get around and online by investing in road, transport links, faster internet and free Wi-Fi in town centres.

# Map 1: London Borough of Havering Transport Links & Shopping Hubs



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office (c) Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Havering 100024327

### **3 Consultation**

- 3.1 Licensing Authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 3.2 The London Borough of Havering consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided in Appendix E.

The Act requires that the following parties are consulted by licensing authorities:

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

This Licensing Authority has also consulted with relevant departments within the Council and neighbouring boroughs.

### **4. Declaration**

- 4.1 In producing this Statement of Gambling Policy, the 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.

### **5. Responsible Authorities and Interested Parties**

- 5.1 The Act allows for two different types of groups to make representations regarding applications to the Licensing Authority and to apply to have existing licences reviewed by the Authority. These groups are “Responsible Authorities” and “Interested Parties”

- 5.2 The Act defines Responsible Authorities as:

- (a) a Licensing Authority in England and Wales in whose area the premises are wholly or partly situated,
- (b) the Gambling Commission,
- (c) the Chief Officer of Police for a police area in which the premises are wholly or partly situated,
- (d) the fire and rescue authority for an area in which the premises are wholly or partly situated,
- (e) the Local Planning Authority, in accordance with Part I of the Town and Country Planning Act 1990 (c. 8), for an area in which the premises are wholly or partly situated,

- (f) an authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated,
- (g) a body which is designated in writing for the purposes of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm\*,
- (h) Her Majesty's Commissioners of Customs and Excise, and
- (i) any other person prescribed for the purposes of this section by regulations made by the Secretary of State.

\* Under the Children Act 2004, Area Child Protection Committees (ACPC) have been replaced by Local Safeguarding Children Boards (LSCBs). The policy of the Licensing Authority is that the 'responsible authority' in relation to the protection of children from harm will be the Council's LSCB Manager.

5.3 Section 158 of the Act states that a person is an "Interested Party" if, in the opinion of the Licensing Authority that 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).

The Gambling Commission recommends in its Guidance to Licensing Authorities that Interested Parties could include trade associations and trade unions, and residents and tenants associations. However, it fails to mention that those bodies should represent persons or businesses sufficiently close where they are likely to be affected by the operation of the premises (Gambling Commission Guidance for Local Authorities paragraph 6.21). This Authority will follow Section 158 of the Act and will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act. I.e. they live sufficiently close or carry on a business so that they will be likely to be affected by the activities being applied for.

5.4 The Licensing Authority is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles for Havering are that each case will be decided upon its own merits and rigid rules will not be applied to its decision making. It will also consider the Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

5.5 Should an individual wish to submit an objection to a new premises licence or submit a request for a review of an existing licence, it should be based on the licensing objectives contained within the Act (see Para 1.4). It should be noted that the Act does not include the prevention of public nuisance and anti-social behaviour as a specific licensing objective.

## 6. Exchange of Information

- 6.1 Licensing Authorities are required to include in their Statement of Gambling Policy the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act. This is with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that Havering Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that Data Protection legislation will not be contravened. 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 Act.

## 7. Enforcement

- 7.1 Licensing Authorities are required by regulation under the Act 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.
- 7.2 The Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for Local Authorities, will comply with the 'Regulators Code', 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.

The Authority will also act in accordance with its own Enforcement Policy.

- 7.3 As per the Gambling Commission's Guidance for Licensing Authorities, the Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 The Authority will also adopt a risk-based inspection programme as recommended by the Gambling Commission's Guidance for Licensing Authorities. This will be based on:
- The licensing objectives
  - Relevant codes of practice
  - Guidance issued by the Gambling Commission
  - The principles set out in this statement of licensing policy
  - The enforcement policy, intelligence and complaints.

High risk rated premises may be those where there are factors such as reports of underage gambling or previous breaches of premises licence conditions and codes of

practice. Low risk rated premises will generally be those which have demonstrated compliance with premises licence conditions and codes of practice.

- 7.5 The main enforcement and compliance role for the Licensing Authority in terms of the Act will be to ensure compliance with the terms and conditions of premises licences and other permissions that they authorise. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that the Gambling Commission will deal with concerns about manufacture, supply or repair of gaming machines.
- 7.6 The Licensing Authority will keep itself informed of developments as regards the work of the Department for Business, Energy and Industrial Strategy in its consideration of the regulatory functions of local authorities.
- 7.7 It should be noted that if annual fees for premises licences are not paid when required the Licensing Authority shall revoke the premises licence under section 193(1) of the Act but the Licensing Authority may disapply subsection (1) if they think that a failure to pay is attributable to administrative error.”

## **8. Protecting Children and other Vulnerable Persons from Harm or Exploitation by Gambling**

- 8.1 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 to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.
- 8.2 The efficiency of such policies and procedures will be considered on their merits; however, they may include appropriate measures/training for staff as regards suspected truanting schoolchildren or other vulnerable persons on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems.
- 8.3 Providing the Licensing Authority with details of where a child or young person repeatedly attempts to gamble on their premises, may provide the Licensing Authority with an opportunity to consider safeguarding concerns.
- 8.4 This Authority will pay particular attention to measures proposed by operators to protect children from harm in all gambling premises and particularly Adult Gaming Centres and Family Entertainment Centres. 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.
- The Licensing Authority would encourage operators to participate in voluntary best practice or certification schemes to assist in their promotion of the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling
- Ensure that promotional material associated with the premises does not encourage the use of the premises by children or young people if they are not legally allowed to do so.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. 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 LCCP Social Responsibility Codes, part of the Gambling Commission's LCCP, can be found on the Gambling Commission's website.<sup>1</sup>

- 8.5 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.
- 8.6 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.

## 9. Licensing Authority functions

9.1 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*.
- Issuing *Provisional Statements* where premises are intended to provide gambling activity.
- Regulating *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issuing *Club Machine Permits* to *Commercial Clubs*.
- Granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issuing *Licensed Premises Gaming Machine Permits* for premises licensed to

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<sup>1</sup> <https://www.gamblingcommission.gov.uk/home.aspx>

sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.

- Registering *small society lotteries* below prescribed thresholds.
- Issuing *Prize Gaming Permits*.
- Receiving and Endorse *Temporary Use Notices*.
- Receiving *Occasional Use Notices*.
- Providing information to the Gambling Commission regarding details of licences issued (see section above on information exchange).
- Maintaining registers of the permits and licences that are issued under these functions.

9.2 It should be noted that local Licensing Authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences. The Financial Services Authority regulates spread betting and the National Lottery Commission regulates The National Lottery.

## **10. Premises Licences.**

10.1 Premises licences are subject to the requirements set out in the Act and Regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and attach others, where it is believed to be appropriate.

10.2 The Licensing Authority is aware that, in making decisions about premises licences, it should aim to permit the use of premises for gambling insofar as it thinks it is;

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Gambling Policy.

10.3 Multiple licences and separation of different premises

The Authority takes particular note of the Gambling Commission's Guidance for Licensing Authorities, which states that Authorities should pay particular attention 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, this Authority is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

10.4 There will be specific issues that the Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

10.5 The Authority takes particular note of paragraphs 7.7 to 7.8 and 7.26, 7.30 – 7.33 of the Gambling Commission’s Guidance to Licensing Authorities relating to the artificial sub-division of premises. It also takes note of section 152 (1) of the Act and the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 and will look very carefully at any application that may appear to breach any of these provisions. For example, where a premises is licensed to provide bingo facilities then the primary activity must be the provision of bingo, with gaming machines being an ancillary offering in the premises. The Authority also notes the Gambling Commission’s Codes of Practice consolidated for all forms of Gambling that came into effect in August 2014.

10.6 Operators can apply for a premises licence in respect of premises, which have still to be constructed or altered, and each application will be determined on its merits. It should be noted that an applicant may not be able to obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. The Gambling Commission has advised that references to “the premises” are to the premises in which gambling may now take place. Thus, a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that, if necessary, the Authority can inspect it fully as can other Responsible Authorities with inspection rights.

#### 10.7 Plans

The Licensing Authority will expect compliance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) in relation to the submission of plans with applications.

10.8 The Regulations state that plans shall contain the following information:

- 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.

#### 10.9 Planning considerations

The Licensing Authority is aware that in May 2015 the Government introduced additional planning controls in relation to betting offices, removing them from Class A2 use to a ‘sui generis’ use. This means that Betting Shops have been taken out of the planning ‘use’ classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority would expect applicants for new Gambling Premises Licences to have been granted permission to use prospective premises for the proposed operation subject of the licence application. Further information can be obtained from the Council’s Planning Department.

10.10 The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for Licensing 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. Should any specific policy be decided upon regarding areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how potential concerns can be overcome.

10.11 The Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including Planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it.

10.12 Planning: The Gambling Commission Guidance to Licensing Authorities states:

*'7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...'*

*This Authority will not take into account irrelevant matters as per the above guidance. In addition, this Authority notes the following excerpt from the Guidance:*

*'7.65 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the 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.'*

10.13 Preventing gambling from being;

- a source of crime and disorder,
- associated with crime or disorder, or
- used to support crime.

Premises licences granted must be reasonably consistent with the licensing objectives. The Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of crime the Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions, such as the provision of door supervisors, may be relevant.

10.14 Where gambling premises are located in sensitive areas, e.g. near schools, the Licensing Authority will consider imposing restrictions on advertising the gambling facilities on such premises where it is felt relevant and reasonably consistent with the Licensing Objectives.

#### 10.15 Local Area Profile

A map of the Local Authority area is attached, as a separate document to this policy (see Appendix D) and may be reviewed and updated from time to time. The map contains the location of schools, hostels and homes for vulnerable people, GP's surgeries, medical centres and centres for people with drug and alcohol addiction.

Further, it is overlaid with the total notifiable offences (TNO's) for the borough including all crimes such as violence against the person, burglary, robbery, sexual offences, motor vehicle fraud and theft. The Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of schools, crime hotspots, hostels/homes for vulnerable people and centres for people with a drug and alcohol addiction.

10.16 In sensitive areas the Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any ASB problems within the vicinity generally. Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions if appropriate, to cater for the local area in which they propose to run their business.

#### 10.17 Local Risk Assessments

Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for a new premises licence, or a variation to an existing licence, in such areas they should explain fully, in their Local Risk Assessment (LRA), how they will mitigate any risks of operating a gambling premises in close proximity to;

- concentrations of housing for vulnerable people or,
- churches, mosques, temples or any other place of worship. Religious premises and places of worship are often focal points for a percentage of vulnerable members of the local community, including the homeless community and youth population, and have therefore been included in this policy, rather than for any moral or ethical reasons.

10.18 Some publicly available sources of information to assist in operators completing a LRA include:

- (a) The Crime Mapping website;
- (b) Neighbourhood Statistics websites;
- (c) Websites or publications by local responsible authorities;
- (d) Websites or publications by local voluntary schemes and initiatives; and
- (e) On-line mapping tools.

10.19 The Authority will expect applicants for the new grant of, or variation to an existing, licence to also submit their LRA to comply with Social Responsibility (SR) code 10.1.1 which requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, applicants must take into account relevant matters identified in the licensing authority's statement of policy.

In addition, the Licensing Authority will expect that under Ordinary code provision 10.1.2 Licensees will undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- when applying for a variation of a premises licence,
- to take account of significant changes in local circumstances, including those,
- identified in a licensing authority's statement of policy and
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

Licensees are expected to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request of the licensing authority.

We strongly recommend that operators of licensed premises keep their LRA on the individual licensed premises and ensure that it is available for inspection.

The SR codes also states that a LRA must also be submitted when changes in the local environment or the premises warrant a LRA to be conducted again. This may be where:

- Any substantial building development or conversion of existing premises in the local area, which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/ support facilities are opened in the local area).

The Authority will expect the Local Risk Assessment to consider:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children and young people will congregate such as youth clubs, parks, bus stops, cafés, shops, entertainment venues such as cinemas, bowling allies and any other place where children are attracted.
- the demographics of the area in relation to vulnerable groups and how vulnerable persons from different cultures will be protected.
- whether the premises is in an area subject to high levels of crime and/or disorder, including areas that are prone to youths participating in antisocial behaviour, e.g. graffiti/tagging or underage drinking.
- how vulnerable people, including people with gambling dependencies are protected.
- assessing staffing levels when a local college closes and the students begin to vacate the grounds.

- age verification policies such as ‘Challenge 25’
- line of sight from the counter to gambling machines
- information held regarding self-exclusions and incidences of underage gambling.
- gaming trends that may mirror days for financial payments such as pay days or benefit payments
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor’s surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

#### 10.20 Ensuring that gambling is conducted in a fair and open way

The Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

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

The Licensing Authority has noted that the Gambling Commission's Guidance for Licensing Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

#### 10.22 As regards the term ‘vulnerable persons’ it is noted that the Gambling Commission is not seeking to offer a definition. It states that, *‘... it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.’*

The Licensing Authority will consider this licensing objective on a case-by-case basis. Should a practical definition prove possible in future then, this policy statement will be updated with it, by way of a revision. The Authority will also make itself aware of the Codes of Practice, which the Gambling Commission issues in relation to this licensing objective regarding specific premises such as casinos. In particular, this Authority is aware of SR code 3.5.1 and Ordinary Code 3.5.2 relating to self-exclusion from gambling premises. We expect licence holders to fully comply with these Codes.

#### 10.23 Whilst there may be evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties, public health is not a licensing objective and therefore cannot be taken into account, when deciding on applications.

The Licensing Authority will however continue to liaise with public health colleagues. This is so that we can both continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.

## Licence Conditions

10.24 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, neighbourhood and type of premises; and
- reasonable in all other respects.

Applicants may offer licence conditions to the Licensing Authority as a part of their application. Examples of such conditions are:

1. The premises shall be fitted out and operational within 6 months of the issue of the licence.
2. The Licensee shall notify the licensing authority when the premises have been fitted out and are ready for operation, so that the licensing authority can inspect the premises. Such notification to the licensing authority shall be given no less than 10 days prior to the premises opening under the licence.
3. There shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 25 years.
4. "Challenge 25:
  - a. The Licensee shall have a "Challenge 25" policy whereby all customers who appear to be under the age of 25 are asked for proof of their age.
  - b. The Licensee shall prominently display notices advising customers of the "Challenge 25" policy.
  - c. The following proofs of age are the only ones to be accepted:
    - Proof of age cards bearing the "Pass" hologram symbol
    - UK Photo Driving licence
    - Passport
5. Staff Competence and Training:
  - a. The Licensee shall keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff

record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

- b. The Licensee shall ensure that each member of staff authorised to verify the age of customers has received adequate training on the law with regard to under-age gambling and the procedure if an underage person enters the premises, and that this is properly documented and training records kept. The training records to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.
- c. The Licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

#### 6. Refusals Book

- a. The licensee to keep a register (Refusals Book) to contain details of time and date, description of under-age persons entering the premises, and the name/signature of the sales person who verified that the person was under-age.
- b. The Refusals book to be examined on a regular basis by the licensee and date and time of each examination to be endorsed in the book.
- c. The Refusals Book to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

#### 7. CCTV:

- a. The CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public.
- b. The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the Police or an officer of the licensing authority, upon request.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. The Authority will also consider specific measures, which may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

10.25 The Authority will ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

10.26 It is noted that, because of restrictions imposed by the Act, there are conditions which the Licensing Authority cannot attach to premises licences; these 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 Act 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.

10.27 The Gambling Commission advises in its Guidance for Licensing Authorities that they may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that there is no requirement for “in house” door supervisors at casinos or bingo premises to be licensed by the Security Industry Authority (SIA) through a specific exemption contained in Paragraph 17 of Schedule 16 to the Act. However, following clarification from the Department for Culture, Media and Sport (DCMS) and the Security Industry Authority (SIA), any contract staff employed in a Door Supervisor role will still require to be licensed by the SIA.

10.28 For premises other than “in house” staff employed at casinos and bingo premises, operators and Licensing Authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

10.29 There is no evidence that the operation of betting offices in Havering has required door supervisors for the protection of the public. The Licensing Authority will make a door supervisor requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

10.30 Adult Gaming Centres

In relation to Adult Gaming Centres, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.

This must include procedures for:

- checking the age of apparently underage customers
- removing anyone who appears to be under age and cannot produce an acceptable form of identification
- taking action when there are attempts by under-18s to enter the premises.

It is recommended that applicants provide means to satisfy the Licensing Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises. Such measures may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas

10.31 In relation to (licensed) Family Entertainment Centres, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It is recommended that applicants provide means to satisfy the Licensing Authority that, for example, there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machine areas. Such measures may include:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as Gam Care.
- Measures/training for staff on how to deal with suspected truanting school children on the premises

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

#### 10.32 *No Casinos resolution*

At this time Havering Licensing Authority has not passed a 'no casino/no additional casinos' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, this Statement of Gambling Policy will be updated with details of that resolution. The Full Council will make any such decision.

### 10.33 *Gaming Machines*

Management of areas where category B and C gaming machines are located in gambling premises that admit children and young people. Appendix C details the category of gaming machines.

The Authority notes that the Gambling Commission's Guidance states in Paragraph 7.27 that:

For bingo and FEC premises, it is a mandatory condition that under-18s should not have access to areas where category B and C gaming machines are located and this is achieved through further mandatory conditions that require the area to be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- supervised at all times to ensure that under-18s do not enter the area, and supervised by either:
  - one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
  - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
  - arranged in a way that ensures that all parts of the area can be observed.

A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.

### 10.34 *Betting machines in Betting Premises*

The Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the number of counter positions available for person-to-person transactions. It will also consider the ability of staff to monitor the access to the premises and use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number and nature of betting machines an operator wants to offer.

The Authority will consider limiting the number of machines only where there is evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence, the Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter. Extend premises in order to enhance the quality of facilities offered to the public who may wish to use them. The Authority will look at those applications sympathetically where there are no concerns that the Licensing Objectives will be adversely affected

### 10.35 *Betting Offices*

The Licensing Authority will look closely at applications to re-site betting offices in the same locality or to extend premises in order to enhance the quality of facilities offered to the public who may wish to use them. The Authority will look at those applications sympathetically where there are no concerns that the Licensing objectives will be adversely affected. The Authority will also take any complaints relating to the use of Fixed Odds Betting Machines (FOBTs) within Betting Shops extremely seriously and

will expect operators to be fully compliant with Social Responsibility Codes 3.5, 3.7.1, 3.7.2 and Ordinary Code Provision 3.5.2

10.36 The Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a named single point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.

#### 10.37 *Travelling Fairs*

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

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

#### 10.38 *Provisional Statements*

The Licensing Authority notes the Guidance from the Gambling Commission which states that '*It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence*' and that '*Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully*'.

The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations requires applications for Provisional Statements to be advertised in the same way as applications for Premises Licences. In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters, which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters which:

- (a) Could not have been raised by objectors at the provisional licence stage; or
- (b) Reflect a change in the operator's circumstances (in the authority's opinion).

The Authority has noted the Gambling Commission's Guidance that '*A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.*'

## 10.39 *Reviews*

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the Licensing Authority to decide whether to accept or reject an application to review a premises licence. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- any relevant code of practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives; and
- the authority's statement of gambling policy.

It will also consider whether the request is frivolous, vexatious or will certainly not cause the Authority to wish to alter/revoke/suspend the licence or to remove, amend or attach conditions on the premises licence. Further, whether it is substantially the same as previous representations or requests for review or are substantially the same as representations made at the time the application for a premises licence was considered.

The Licensing Authority can also initiate a review of a licence if:

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

10.40 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence, namely:

- add, remove or amend a licence condition imposed by the licensing authority
- exclude a default condition imposed by the Secretary of State (for example, relating to opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence.

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

## **11. Permits, Temporary and Occasional Use Notices**

### 11.1 *Unlicensed Family Entertainment Centre gaming machine permits*

Statement of Principles on Permits - Schedule 10 paragraph 7 to the Gambling Act

Where an operator does not hold a premises licence but wishes to provide gaming machines, an applicant may apply to the Licensing Authority for this permit. It should be

noted that the applicant must show that the premises will be wholly, or mainly, used for making gaming machines available for use (Section 238).

- 11.2 The Act states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit, and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives. Further, it shall have regard to any relevant guidance issued by the Commission under section 25.

The Gambling Commission's Guidance for Licensing Authorities also states that, '*in [the Authorities] policy statement, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits*'. '*...licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group,*' (24.8).

- 11.3 The Guidance also states that an application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (FEC), and if the Chief Officer of Police has been consulted on the application. The Licensing Authority may also consider asking applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- That employees are trained to have a full understanding of the maximum stakes and prizes. (24.9).

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

#### 11.4 Statement of Principles

This Licensing Authority is yet to adopt a formal "Statement of Principles" in relation to family entertainment centre gaming machine permits however; it expects 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 efficacy of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards to;

- 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 on or around the premises.

This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs. Further, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

## 11.5 (Alcohol) Licensed premises gaming machine permits

(Schedule 13 paragraph 4(1) to the Act)

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

11.6 If a premises wishes to have more than two machines then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters as they think relevant.” 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 harm or being exploited by gambling or at risk of child sexual exploitation.

The Authority will also expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures, which will satisfy the Authority that there will be no access, may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for customers who may have a gambling addiction, from organisations such as GamCare and GambleAware.

Pubs that choose to make machines available to the public must only do so during the hours that the premises licence allows the sale of alcohol. They should also adhere to the Code of practice for gaming machines in clubs and premises with an alcohol licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Licensing Authority cannot attach conditions to the applicant’s permit.

11.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines. Notifications and applications for three machines will generally be dealt with by Licensing Authority officers. Those for four or five machines will be determined by Licensing

Officers in consultation with the Chair of the Licensing Committee, and applications for six or more machines will be referred to a Licensing Sub-Committee.

### 11.8 *Prize Gaming Permits*

(Statement of Principles on Permits - Schedule 14 paragraph 8 (3) to the Act)

The Act 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 proposes to consider in determining the suitability of the applicant for a permit”.

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;
- that they meet the objective of carrying out gambling openly and fairly; and,
- that the premises are mainly or wholly used for gambling purposes.

11.9 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

11.10 Permit holders must comply with the mandatory conditions of the Act.

### 11.11 *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 Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

11.12 The Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account of a number of matters as outlined in sections 25.46-25.49 of the Gambling Commission’s Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. The club must be conducted ‘wholly or mainly’ for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

11.13 The Commission Guidance also notes that ‘*licensing authorities may only refuse an application on the grounds that:*

- *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;*

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

11.14 There is also a 'fast-track' application procedure available under the Act for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). It should be noted that commercial clubs cannot hold Club Premises Certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance for Licensing Authorities states: *Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced."* and *"The grounds on which an application under the process may be refused are:*

- *that the club is established primarily for gaming, other than gaming prescribed under schedule 12;*
- *that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or*
- *that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.*

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.

#### 11.15 *Temporary Use Notices (TUN)*

There are a number of statutory limits as regards temporary use notices. It is noted that the Gambling Commission Guidance states that 'The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. The definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition, licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. For example, a large exhibition centre with a number of exhibition halls may come within the definition of 'premises'. A TUN should not then be granted for 21 days in respect of each of its exhibition halls.

In relation to other covered areas, such as shopping centres, the Licensing Authority will need to consider whether different units are in fact different 'sets of premises', given that they may be occupied and controlled by different people. The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices and, at the time of writing this Statement, the relevant regulations are The Gambling Act 2005 (Temporary Use Notices) Regulations 2007.

These Regulations state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

#### 11.16 *Occasional Use Notices:*

This notice allows for betting on a track without the need for a premises licence on 8 days or less in a calendar year. The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## 12. **Small Society Lotteries**

12.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission); and
- exempt lotteries (including small society lotteries registered by the Licensing Authority)

12.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:

- small society lotteries;
- incidental non-commercial lotteries;
- private lotteries;
- private society lotteries;
- work lotteries;
- residents' lotteries;
- customer lotteries;

12.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on the Council's web-site at

[https://www.havering.gov.uk/info/20009/business\\_in\\_havering/785/lotteries](https://www.havering.gov.uk/info/20009/business_in_havering/785/lotteries)

by email at [licensing@havering.gov.uk](mailto:licensing@havering.gov.uk)

12.4 Applicants for registration of small society lotteries 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.

12.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, codes of practice and any guidance

issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's guidance.

- 12.6 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of his registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably electronically by emailing: [licensing@havering.gov.uk](mailto:licensing@havering.gov.uk).
- 12.7 The Licensing Authority will refuse applications for registration if, in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 12.8 The Licensing Authority may refuse an application for registration if in their opinion:
- 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.
- 12.9 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may also seek further information from the Society.
- 12.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.
- 12.11 The Licensing Authority may revoke the registered status of a Society if it thinks that it would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 12.12 Where a Society employs an external lottery manager, it will need to satisfy itself that the manager holds an operator's licence issued by the Gambling Commission, and the Licensing Authority will expect this to be verified by the Society.

### **13. OTHER INFORMATION**

- 13.1 The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Borough has an Equal Opportunities Policy and this revised Statement of Licensing Policy will be monitored for any adverse impact on the promotion of opportunities for all.
- 13.2 Under the Act the Licensing Authority must carry out a review of its Gambling Policy Act every three years. In accordance with the Act, the Licensing Authority intends to carry out a further full review of its policy no later than 2023 and, prior to publishing the revised version, it intends to consult fully with those groups and individuals consulted on this version.

In addition, within the three-year period the Licensing Authority will review its gambling policy whenever it feels that relevant issues have arisen - for example, if any further significant amendments are made to the Act, Guidance or Codes of Practice.

## Appendix A: Glossary of Terms

<b>Casino Premises Licence Categories</b>	a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements.
<b>Child</b>	Individual who is less than 16 years old
<b>Code of Practice</b>	Means any relevant code of practice under section 24 of the Act
<b>Default Conditions</b>	Conditions that will apply through Statute unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
<b>Lottery</b>	An arrangement where 1) persons are required to pay to participate in the arrangement 2) in the course of the arrangement, one or more prizes are allocated to one or more members of a class 3) the prizes are allocated by a series of processes, and 4) the first of those processes relies wholly on chance.
<b>Exempt Lotteries</b>	Lotteries specified in the Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:  1. Small Society Lottery (required to register with Licensing Authorities. 2. Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair. 3. Private Lotteries e.g. Raffle at a student hall of residence 4. Customer Lotteries e.g. Supermarket holding a hamper raffle
<b>External Lottery Manager</b>	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
<b>Large Lottery</b>	Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.
<b>Licensing Committee</b>	A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority in Gambling matters.
<b>Licensing Sub Committee</b>	A sub-committee of members appointed from the Licensing Committee to whom the functions of the licensing committee can be delegated under the Act to determine applications.
<b>Mandatory Conditions</b>	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
<b>Operating Licences</b>	Licences to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non-remote gambling.
<b>Personal Licence</b>	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
<b>Premises Licence</b>	Licence to authorise the provision of gaming, facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and some family entertainment centres.
<b>Premises -</b>	Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than

	one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as, being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
<b>Private Lotteries</b>	3 Types of Private Lotteries:  <ol style="list-style-type: none"> <li>1. Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society</li> <li>2. Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises</li> <li>3. Residents’ Lotteries – promoted by, and tickets may only be sold to people who live at the same set of premises</li> </ol>
<b>Prize Gaming</b>	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
<b>Small Lottery</b>	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.
<b>Small Society Lottery</b>	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
<b>Provisional Statement</b>	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <ul style="list-style-type: none"> <li>• Expects to be constructed</li> <li>• Expects to be altered</li> <li>• Expects to acquire a right to occupy.</li> </ul>
<b>Temporary Use Notice</b>	To 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.
<b>Vehicles</b>	Defined as trains, aircraft, seaplanes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.

## Appendix B: Delegation of Functions

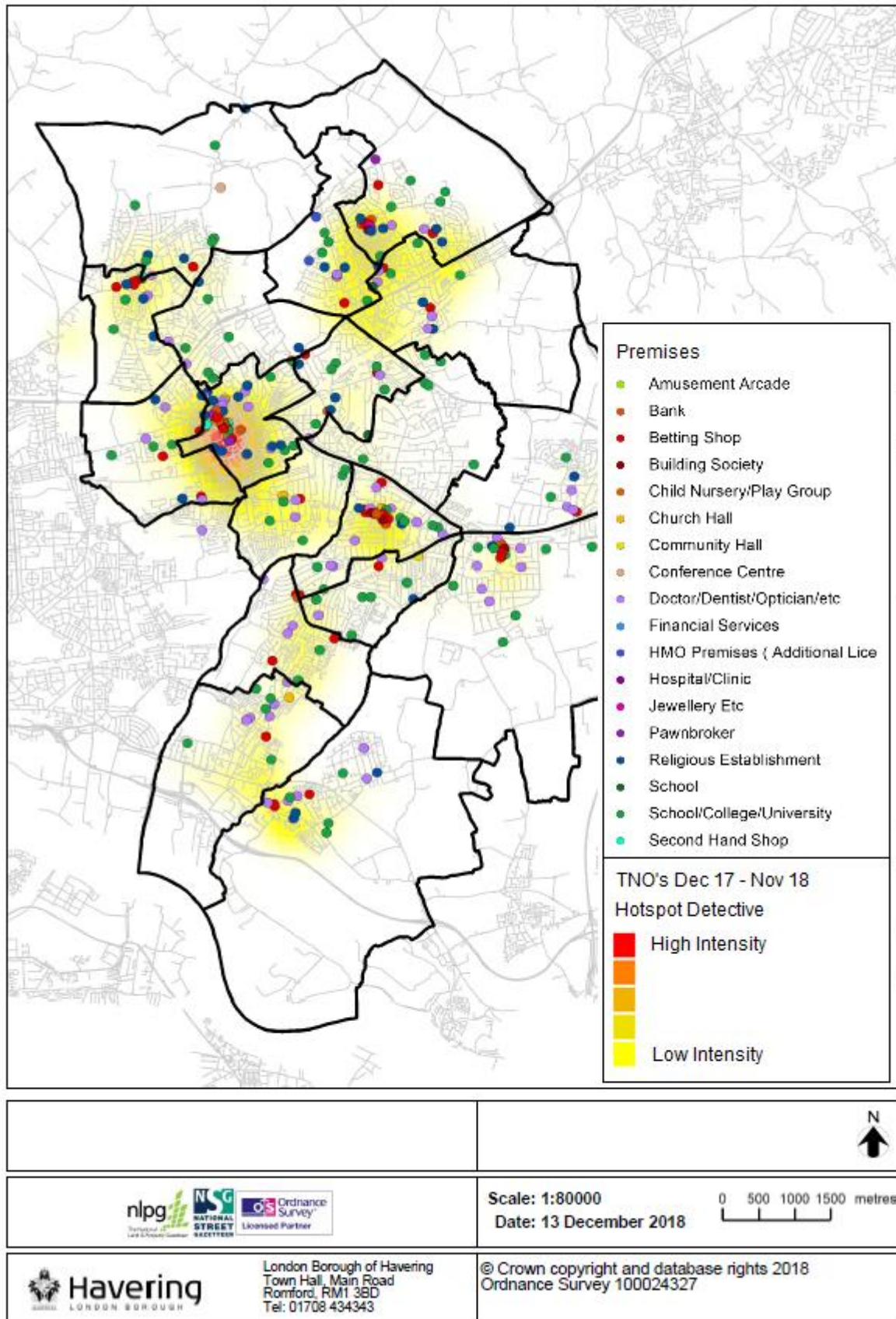
<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of Licensing Committee</b>	<b>Officers</b>
Final approval of 3 year Licensing Policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
Application for a 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/ Representations have been withdrawn
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 a club gaming/club machine permit		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
Cancellation of a club gaming/club machines permit			
Application for other permits			X

Alcohol licenced premises gaming machine permits		6 or more machines	3-5 machines with Chair of Licensing Committee. 3 Machines.
Cancellation of licensed premises gaming machine permit			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## Appendix C: Categories of Gaming Machines

Machine category	Maximum stake (from April 2019)	Maximum prize (from April 2019)	Allowed premises
A	unlimited	unlimited	Regional casino
B1	£5	£10,000 (with an option of a maximum £20,000 linked to a progressive jackpot on a premises basis only)	Large casino, small casino, pre- Act Casino and Regional Casino.
B2	£2	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, adult gaming centre and all of the above
B3A	£2	£500	Members club or Miners Welfare institute only
B4	£2	£400	Members club or miners welfare club, commercial club and all of the above
C	£1	£100	Family entertainment centre(with Commission operating licence, qualifying alcohol licenced premises(without)additional gaming machine permit), qualifying alcohol licenced premises ( with additional LA gaming machine permit) and all of the above
D money prize	10p	£5	Travelling fairs, unlicensed(permit) Family entertainment centre and all of the above
D non-money prize( other than crane grab machine)	30p	£8	All of the above
D non-money prize ( crane grab machine)	£1	£50	All of the above

D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be money prize)	All of the above
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.



\*Total Notifiable Offences (TNO's) for the borough include all crimes such as violence against the person, burglary, robbery, sexual offences, motor vehicle fraud and theft.

## Appendix E: List of Consultees

The Gambling Act 2005 contains details of the consultees that are to be consulted as part of the review of the policy. These are:

The Chief Officer of Police for the authority's area;

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 Act.

The following are also included in the consultation:

- Association of British Bookmakers
- Bingo Association
- BACTA (Amusement and Gaming Machine Industry)
- Children's Services (Responsible Authority under the Gambling Act)
- Economic Development/Regeneration
- Environmental Health (Responsible Authority under the Gambling Act)
- Gamble Aware
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- Havering Chamber of Commerce
- Havering Community Safety Partnership
- HMRC (Responsible Authority under the Gambling Act)
- London Fire Brigade (Responsible Authority under the Gambling Act)
- Planning (Responsible Authority under the Gambling Act)
- Westminster drug project
- Havering LGBT Forum