



**STATEMENT OF PRINCIPLES  
GAMBLING ACT 2005**

This statement of Principles will remain in force from XXXX until XXXX

**Lorna Fryer, Lead Licensing Officer  
Licensing Team, Three Rivers District Council**

Adopted on XXXXX  
Effective from XXXX

## Contents

<u>Item</u>	<u>Page</u>
<a href="#">Contents</a>	<a href="#">1</a>
<a href="#">Executive Summary</a>	<a href="#">3</a>
<a href="#">Three Rivers District Council Boundary</a>	<a href="#">5</a>
<a href="#">1. Statement of Principles</a>	<a href="#">6</a>
<a href="#">2. Licensing Objectives</a>	<a href="#">6</a>
<a href="#">3. Responsible Authorities</a>	<a href="#">8</a>
<a href="#">4. Interested Parties</a>	<a href="#">9</a>
<a href="#">5. Exchange of information</a>	<a href="#">10</a>
<a href="#">6. Licensing Authority Functions</a>	<a href="#">10</a>
<a href="#">7. Premises Licences</a>	<a href="#">11</a>
<a href="#">8. Local Risk Assessment</a>	<a href="#">11</a>
<a href="#">8.4 Location</a>	<a href="#">12</a>
<a href="#">8.5 Duplication with other regulatory regimes</a>	<a href="#">12</a>
<a href="#">8.6 Conditions</a>	<a href="#">12</a>
<a href="#">8.7 Door Supervisors</a>	<a href="#">13</a>
<a href="#">8.8 Multiple Premises Licences</a>	<a href="#">14</a>
<a href="#">8.9 Adult Gaming Centres</a>	<a href="#">14</a>
<a href="#">8.10 (Licensed) Family Entertainment Centres</a>	<a href="#">15</a>
<a href="#">8.11 Casinos</a>	<a href="#">15</a>
<a href="#">8.12 Bingo Premises</a>	<a href="#">16</a>
<a href="#">8.13. Betting Premises</a>	<a href="#">16</a>
<a href="#">8.14 Fixed Odds Betting Terminals (FOBT's)</a>	<a href="#">16</a>
<a href="#">8.15 Tracks</a>	<a href="#">17</a>
<a href="#">8.16 Travelling fairs</a>	<a href="#">18</a>
<a href="#">9. Provisional Statements</a>	<a href="#">18</a>
<a href="#">10. Permits / Temporary and Occasional Use Notices</a>	<a href="#">18</a>
<a href="#">10.1 Unlicensed Family Entertainment Centre gaming machine permits</a>	<a href="#">18</a>
<a href="#">10.2 (Alcohol) Licensed premises gaming machine permits</a>	<a href="#">19</a>
<a href="#">10.3 Prize Gaming Permits</a>	<a href="#">20</a>
<a href="#">10.4 Club Gaming and Club Machines Permits</a>	<a href="#">21</a>
<a href="#">10.5 Temporary Use</a>	<a href="#">21</a>
<a href="#">10.6 Occasional Use</a>	<a href="#">22</a>
<a href="#">10.7 Small Society Lotteries</a>	<a href="#">22</a>
<a href="#">11. Enforcement</a>	<a href="#">22</a>
<a href="#">12. Complaints Against a Licensed Premises</a>	<a href="#">23</a>
<a href="#">13. Reviews</a>	<a href="#">24</a>
<a href="#">14. Appeals</a>	<a href="#">24</a>
<a href="#">15. Delegation and Decision Making</a>	<a href="#">25</a>
<a href="#">16.3 Covid-19, Coronavirus Regulations</a>	<a href="#">25</a>
<a href="#">Appendix 1 – List of consultees</a>	<a href="#">26</a>
<a href="#">Appendix 2 – Gaming Machines maximum stakes and payouts</a>	<a href="#">28</a>
<a href="#">Appendix 3 – Table of delegated functions</a>	<a href="#">29</a>
<a href="#">Appendix 4 - <b>No Casinos policy resolution</b></a>	<a href="#">30</a>
<a href="#">Appendix 5 – <b>Statement of principles log</b></a>	<a href="#">32</a>

## Statement of Principles (Gambling Act 2005) 2016-2019

### EXECUTIVE SUMMARY

The Gambling Act 2005 (the Act) introduced a new regime for regulating gambling and betting throughout the United Kingdom from 1 September 2017. [Section 349](#) of the Act imposes a statutory duty upon licensing authorities to publish a Statement of Principles which they propose to apply when exercising their functions under the Act. [The Gambling Commission guidance](#) has since been updated from April 2021.

The ACT places a legal duty on both the Gambling Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

Three Rivers District Council must have regard to the Licensing Objectives namely:

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

It should be noted that this policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each application is determined on its own merits in accordance with the statutory requirements of the Gambling Act 2005.

The Responsible Authorities must be consulted upon receipt of an application for or variation of a premises licence under the Act.

Enforcement principles of the Licensing Authority are guided by the Gambling Commission guidance. We therefore endeavour to be proportionate, accountable, consistent, transparent and targeted.

#### **Declaration**

In producing this Statement, Three Rivers District Council 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 received from those consulted on the Statement.

#### Representations

Interested parties may make representations in respect of applications and they may apply for a review of an existing licence. An interested party includes those living sufficiently close to a premises likely to be affected, have business interests that may be affected or a person who represents either of these types of people. Councillors and MPs may also be classed as interested parties.

Applications and representations referred to a Licensing Sub-Committee for determination will be published in reports which are publically available in accordance with legislation.

#### Gaming Machines

In relation to category C (or above) gaming machines on premises in which children are admitted, the authority will ensure that the machines are located in a separated area to which only adults are admitted and that access to this area is supervised. Notices indicating the restricted age access are expected to be displayed.

Alcohol licensed premises are automatically entitled to have 2 gaming machines of category C and/or D however the Licensing Authority needs to be notified. In certain circumstances the Licensing Authority may remove this entitlement.

### Betting Machines

There is no evidence that betting machines (not gaming machines) give concern to regulatory matters however the Licensing Authority reserves the right to limit the number, nature and circumstances of these machines where there is evidence that their use may infringe the licensing objectives.

### Provisional Statements

Following grant of a provisional statement, no further representations may be made from relevant authorities or interested parties unless they concern additional matters not previously considered within the provisional statement or concern the applicants change in circumstances.

### Premises

Premises Licences are subject to mandatory and default conditions as per the requirements of the Act. The Licensing Authority may exclude default conditions and attach others where appropriate. Conditions must be proportionate and relevant to the need to make the proposed building suitable as a gambling facility, directly related to the premises and type of licence applied for, fairly and reasonably related to the scale and type of premises and reasonable in all other aspects.

Applications for a premises in which there are or would be multiple licences for a premises will be carefully considered to ensure different parts of the premises are not compromised and are separate so that people do not accidentally enter the gambling area. The location of a premises will only be considered in terms of the licensing objectives.

The Licensing Authority will avoid duplication with other statutory regimes and only consider concerns about conditions not being met due to restrictions in place by other regimes.

There are a number of types of licensed premises but Three Rivers District currently only has licensed Betting Premises. Children are prohibited from these premises.

### Door Supervisors

In order to achieve the licensing objectives, the Licensing Authority reserves the right to consider the use of door supervisors in certain circumstances.

### Reviews

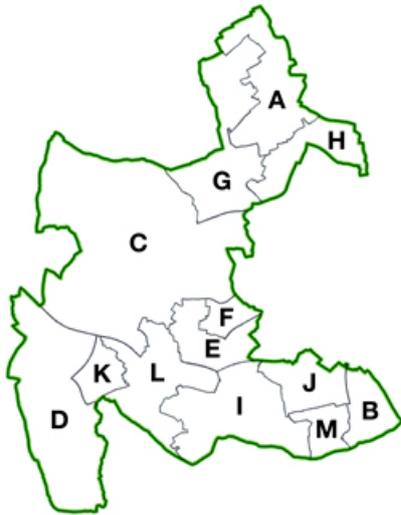
Reviews can be called by interested parties or Responsible Authorities but ultimately the Licensing Authority determines whether the review is to be carried out. In determination, the Licensing Authority will consider whether a review is frivolous or vexatious, will certainly not cause the Authority to alter, revoke or suspend a licence and will consider if the review is substantially the same as previous requests for a review. Grounds for a review would be those in accordance with relevant guidance or codes of practice issued by the Gambling Commission, those consistent with the licensing objectives and statement of licensing policy.

The Licensing Authority may initiate a review of a licence for any other appropriate reason.

In cases of unlicensed premises, it is possible to hold licensed activities under temporary use notices and occasional use notices but these are subject to statutory limitations.

|

## Three Rivers District Council Boundary



- A = [Abbots Langley and Bedmond](#)
- B = [Carpenders Park](#)
- C = [Chorleywood North and Sarratt](#)
- D = [Chorleywood South and Maple Cross](#)
- E = [Dickinsons](#)
- F = [Durrants](#)
- G = [Gade Valley](#)
- H = [Leavesden](#)
- I = [Moor Park and Eastbury](#)
- J = [Oxhey Hall and Hayling](#)
- K = [Penn and Mill End](#)
- L = [Rickmansworth Town](#)
- M = [South Oxhey](#)

[Three Rivers District Council is situated in the county of Hertfordshire, which contains 13 district Councils in total.](#)

[Three Rivers District covers an area spanning approximately 34 square miles, and has approximately 89,500 residents \(based upon figures from 2013\).](#)

[The main populated areas in the district are Rickmansworth, Mill End and Maple Cross, Moor Park and parts of Northwood, Chorleywood, Croxley Green, Abbots Langley and South Oxhey/Carpenders Park.](#)

## 1 Statement of Principles

~~1.1~~ ~~4.1~~ In accordance with statutory procedures, a review of this policy will take place every 3 years, to take into account information collated over a period of time, coupled with the outcomes of initiatives relating to gambling at central and local government level. The policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the head of Regulatory Services, in consultation with the Chairman of the Licensing Committee.

~~4.1~~

1.2 ~~4.2~~ Nothing in this Statement of Principles will:

- a) Undermine the right or any person to apply under the Act for a variety of permissions and have the application considered on its own merits; or,
- b) Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

1.3 The starting point in determining applications will be to grant the application with only mandatory and default conditions, so long as this can be achieved in a manner which is:

- a) In accordance with any relevant code of practice issued by the Gambling Commission;
- b) In accordance with any relevant guidance issued by the Gambling Commission;
- c) Reasonably consistent with the licensing objectives; and
- d) In accordance with the Licensing Authority's Statement of Principle.

1.4 ~~4.3~~ Licensing authorities are however, able to exclude default conditions and also attach others, where it is believed to be appropriate.

1.5 ~~4.4~~ It is appreciated that as per the [Gambling Commission's guidance](#) for local authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" and, in addition to this, unmet demand is not a criterion for a licensing authority.

1.6 ~~4.5~~ Three Rivers District Council has consulted widely upon this statement before finalising and publishing it. A full list of those consulted is at **Appendix 1**. Copies of this consultation version are available on the Councils' website.

1.7 ~~4.6~~ The overriding principle is that all applications and the circumstances prevailing at each premises will be considered on its own individual merits. When applying these

principles, the Licensing Authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.

1.8 The final policy has been considered by Full Council and will be published on our Three Rivers District Council website, as well as being available in Three Rivers House, [on request](#).

## **2 ~~2~~-Licensing objectives**

2.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities.

### **2.1.1 ~~2.1~~ Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

2.1.1.1 ~~2.1.1~~ This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

### **2.1.2 ~~2.2~~ Ensuring that gambling is conducted in a fair and open way**

~~2.1.2.1~~ ~~2.2.1~~ This 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. This will be addressed via operating and personal licences.

### **2.1.3 ~~2.3~~ Protecting children and other vulnerable persons from being harmed or exploited by gambling**

2.1.3.1 ~~2.3.1~~ This Licensing Authority has noted 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 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.

2.1.3.2 ~~2.3.2~~ When determining an application to grant a premises licence or review a premises licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be

decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome concerns relating to the licensing objectives, this will also be taken into account.

2.1.3.3 ~~2.3.3~~ As regards the term “vulnerable persons”, this Licensing Authority will, for regulatory purposes, assume that this group includes people who:

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

2.1.3.4 ~~2.3.4~~ This Licensing Authority will consider this licensing objective on a case by case basis.

2.1.3.5 ~~2.3.5~~ This Licensing Authority will also make itself aware of the Codes of Practice that the

2.1.3.6 Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

2.1.3.7 ~~2.3.6~~ This Licensing Authority will also ensure that, where category C or above [see Appendix 2 for an explanation of the categories] 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.

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

2.1.3.9 ~~2.37~~ Betting Machines (machines on a shop floor where customer can place a bet without having to visit the counter, not to be confused with fixed odds betting machines or amusement with prizes machines). While the authority has discretion as to the number, nature and circumstances of the use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

~~2.1.3.10~~

~~2.1.3.11~~ 2.1.3.10 ~~2.38~~ This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the

track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

### **3 ~~3-~~Responsible Authorities**

3.1 ~~3.1-~~The responsible authorities, being public bodies to be notified of applications and who are entitled to make representations to the Licensing Authority pursuant to the licensing objectives, for the purposes of the Act are:

1. The Gambling Commission
2. Hertfordshire Constabulary
3. Hertfordshire Fire and Rescue Service
4. Head of Development Management, Planning Dept, Three Rivers District Council
5. Environmental Health Residential Standards Team, Three Rivers District Council
6. Enforcing Authority: Health & Safety at Work etc. Act 1974
7. Hertfordshire Safeguarding Children Board
8. HM Revenues and Customs

**Full contact details for the responsible authorities will be made available on the Council website at [www.threerivers.gov.uk](http://www.threerivers.gov.uk)**

3.2 ~~3.2-~~The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

This authority designates the Hertfordshire Safeguarding Children Board at Hertfordshire County Council for this purpose.

### **4 Interested Parties**

4.1 ~~4.1~~Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as a person who:

- 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) above.”

4.2 ~~4.2-~~The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- a) Each case will be decided upon its merits.
- b) This Licensing Authority will not apply a rigid rule to its decision making.

c) This Licensing Authority will consider the examples of considerations concerning these matters provided in the Gambling Commission's Guidance for local authorities, but may not follow it in every case.

4.3 ~~4.3~~ Interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This Licensing Authority will not however generally view these bodies as interested parties at a Hearing unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 (i.e. lives sufficiently close to the premises to be affected by the activities being applied for).

4.4 ~~4.4~~ Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward to be affected. Likewise, parish councils to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation, is sufficient.

4.5 ~~4.5~~ If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Lead Licensing Officer.

4.6 ~~4.6~~ The licensing authority will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively and not on the basis of any political judgement.

4.7 Where representations are rejected, the person making that representation will be given a written explanation (by email where an email address has been provided).

4.8 A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this statement of licensing policy.

## **5 Exchange of Information**

5.1 ~~5.1~~ The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 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 when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Should any protocols be established as regards information exchange with other bodies then they will be made publicly available.

5.2 ~~5.2~~ Details of applications and representations which are referred to a Licensing sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

## 6 Licensing Authority functions

6.1 ~~6.1~~ Three Rivers District Council has a duty under the Act to licence premises where gambling is to take place, and to license certain other activities.

6.2 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular, the Licensing Authority is responsible for:

- a) the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- b) Issuing *Provisional Statements*;
- c) regulating *members' clubs* and *miners' welfare institutes* which wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- d) issuing *Club Machine Permits to Commercial Clubs*;
- e) granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
- f) receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- g) issuing *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- h) registering *small society lotteries* below prescribed thresholds;
- i) issuing *Prize Gaming Permits*;
- j) receiving and Endorse *Temporary Use Notices*;
- k) receiving *Occasional Use Notices*;
- l) providing information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- m) maintaining registers of the permits and licences that are issued under these functions.

6.3 ~~6.2~~ It should be noted that local licensing authorities are not involved in licensing remote gambling (being where persons participate in gambling activities by use of remote communication such as the internet, telephone, television or other electronic facilitating communication) at all. This will fall to the Gambling Commission via operating licences.

6.4 ~~6.3~~ The Gambling Commission is responsible for the regulation of gambling and betting except for National Lottery and spread betting through the licensing of the operators and individuals involved in providing gambling and betting facilities.

6.5 ~~6.4~~ In 2021 the Government increased the minimum age to play the National lottery to 18 years.

## 7 Premises Licences

7.1 An application for a premises licence can only be made by a person or company who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.

7.2 Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all of the licensing objectives in the form of a written Operating Schedule. The applicant may ask the authority for advice as to the scope of information to be provided.

7.3 ~~7.0.3~~ The level of detail to be provided will be advised by the authority and will be proportional to the scale and nature of the application made.

## **8 ~~8~~-Local Risk Assessments**

8.1 ~~8.1~~ From 6 April 2016 it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at their premises. Licensees must have policies, procedures and control measures to mitigate risks that have been identified. In making risk assessments, licensees must take into account relevant matters identified in this policy.

8.2 ~~8.2~~ The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstances, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- When applying for a variation of a premise licence ; and
- In any case, undertake a local risk assessment when applying for a new premises licence.

8.3 ~~8.3~~ The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- Significant presence of young children, both residents and visitors;
- High unemployment area;
- Nearby homeless hostels;
- Nearby gambling, alcohol, drug or mental health support facility;
- The area has a high number of rough sleepers/homeless people;

### **8.3.1 Location**

8.3.1.1 ~~8.4.1~~ This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. 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 as regards 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 upon the applicant to show how potential concerns can be overcome.

### 8.3.2 **8.5 Duplication with other regulatory regimes**

8.3.2.1 ~~8.5.1~~ This 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. It will listen to, and consider carefully, any concerns about conditions that cannot be met by licensees due to planning restrictions, should such a situation arise.

~~8.3.3~~

### ~~8.3.4~~ ~~8.3.3~~ **8.6 Conditions**

~~8.3.4.1~~ ~~8.3.3.1~~ ~~8.6.1~~ Any conditions attached to licences will be proportionate and will be:

- a) relevant to the need to make the proposed building suitable as a gambling facility;
- b) directly related to the premises and the type of licence applied for;
- c) fairly and reasonably related to the scale and type of premises; and
- d) reasonable in all other respects.

~~8.3.4.2~~ ~~8.3.3.2~~ ~~8.6.2~~ Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

~~8.3.4.3~~ ~~8.3.3.3~~ ~~8.6.3~~ This licensing authority will also consider specific measures that 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.

~~8.3.4.4~~ ~~8.3.3.4~~ ~~8.6.4~~ This authority will also ensure that, where category C or above [see Appendix 2 for an explanation of the categories] machines are on offer in premises to which children are admitted:

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

- e) 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.

~~8.3.4.58.3.3.5~~ ~~8.6.4~~ These considerations will apply to premises including buildings where multiple premises licences are applicable.

~~8.3.4.6~~ ~~8.6.5~~ Betting Machines (machines on a shop floor where customer can place a bet without having to visit the counter) (not to be confused with fixed odds betting machines or amusement with prizes machines) - while the authority has discretion as to the number, nature and circumstances of the use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

#### 8.3.3.6

~~8.3.4.78.3.3.7~~ ~~8.6.6~~ This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

~~8.3.4.88.3.3.8~~ ~~8.6.7~~ It is noted that there are conditions that the licensing authority cannot attach to premises licences which are:

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

#### ~~8.3.58.3.4~~ **8.7-Door Supervisors**

~~8.3.5.18.3.4.1~~ ~~8.7.1~~ Consideration should be given 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.

~~8.3.5.28.3.4.2~~ ~~8.7.2~~ There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision 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.

~~8.3.5.38.3.4.3~~ ~~8.7.3~~ It is noted though that in-house staff at casinos and bingo premises need not be licensed by the Security Industry Authority (SIA) although this would be preferable in helping meet the licensing objectives. Where operators and the Licensing Authority

consider that supervision of entrances and machines is appropriate in particular cases, it will be decided whether these need to be SIA licensed on a case by case basis.

### ~~8.3.68.3.5~~ **8.8 Multiple Premises Licences**

~~8.3.6.48.3.5.1~~ **8.8.1**—Premise is defined in the Act as “any place”, Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can be properly 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.

~~8.3.6.28.3.5.2~~ **8.8.2**—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, entrances and exits from parts of the 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. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

~~8.3.6.38.3.5.3~~ **8.8.3**—The Licensing Authority will consider, amongst others, the factored outlined in the Gambling Commission guidance when deciding upon the extent of separation of licensable premises. In particular, due regard will be given to the specific requirements relating to entrances and exits to particular types of licensable premises.

~~8.3.6.48.3.5.4~~ **8.8.4**—It should be noted that a licence to use a remises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use. If the construction is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.

~~8.3.6.58.3.5.5~~ **8.8.5**—In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, applications will be determined on their merits, applying a two stage consideration process:

- a) Whether the premises ought to be permitted to be used for gambling;
- b) Whether appropriate conditions can be applied to the situation whereby the premises are not yet in the condition in which they ought to be before gambling can take place.

~~8.3.6.68.3.5.6~~ **8.8.6**—Applicants should note that the Licensing Authority is entitled to decide whether it is appropriate to grant a licence subject to conditions, but is not obliged to grant such a licence.

### ~~8.3.78.3.6~~ **8.9 Adult Gaming Centres**

~~8.3.7.18.3.6.1~~ ~~8.9.1~~ There are currently no Adult Gaming Centres within the District.

~~8.3.7.28.3.6.2~~ Should this situation change then this Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

a) Proof of age schemes;

~~a)b)~~ CCTV;

~~b)c)~~ Supervision of entrances / machine areas;

~~e)d)~~ Physical separation of areas.

~~e)e)~~ Location of entry;

~~e)f)~~ Notices/signage

~~f)g)~~ Specific opening hours;

~~g)h)~~ Self-exclusion schemes on recommendation of police or families

~~h)i)~~ Provision of information leaflets/helpline numbers for organisations such as Gamcare.

~~8.3.8.3.7~~ ~~8.10.~~ **(Licensed) Family Entertainment Centres:**

~~8.3.8.18.3.7.1~~ ~~8.10.1~~ There are currently no Family Entertainment Centres within the District.

~~8.3.8.28.3.7.2~~ ~~8.10.2~~ Should this situation change then this Licensing Authority will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

~~8.3.8.38.3.7.3~~ This Licensing Authority may consider measures to meet the licensing objectives such as

a) CCTV;

b) Proof of age schemes;

~~a)c)~~ Supervision of entrances / machine areas;

~~b)d)~~ Physical separation of areas;

~~e)e)~~ Location of entry;

~~e)f)~~ Notices / signage;

~~e)g)~~ Specific opening hours;

~~f)h)~~ Self-barring schemes;

~~g)i)~~ Provision of information leaflets / helpline numbers for organisations such as GamCare;

~~h)j)~~ Measures / training for staff on how to deal with suspected truant school children on the premises.

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

~~8.3.8.48.3.7.4~~ ~~8.10.3~~ This Licensing Authority will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

### 8.3.98.3.8 **8.11 Casinos**

8.3.9.18.3.8.1 ~~8.11.1~~ Currently there are no casinos operating within the District. Section 166 of the Gambling Act 2005, enables a licensing authority to **resolve not to issue casino licences**. A resolution was originally passed by Ffull Council on 17 October 2006 with effect from 17 October 2006 not to issue casino premises licences and further resolutions passed on review of the Statement of Policy. The Council will continue not to accept applications for casino premises licenced within the Three Rivers District and a resolution was passed to this effect by full Council on XX XX XXXX with effect from XX XX XXXX

### 8.3.108.3.9 **8.12 Bingo Premises**

8.3.10.18.3.9.1 ~~8.12.1~~ There are currently no bingo premises within the District.

8.3.10.28.3.9.2 Should this situation change, the Gambling Commission Guidance states:

8.3.10.38.3.9.3 It is important that, if children are allowed to enter premises licensed for bingo, 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, this Licensing Authority will ensure that:

- a) 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;
- b) only adults are admitted to the area where the machines are located;
- c) access to the area where the machines are located is supervised;
- d) 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
- e) 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.

8.3.10.48.3.9.4 All current and future guidance by the Gambling Commission will also be taken into consideration when considering such applications.

### 8.3.118.3.10 **8.13 Betting premises**

8.3.11.18.3.10.1 ~~8.13.1~~ This Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number /nature/circumstances of betting machines an operator wants to offer.

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

### 8.3.128.3.11 **Fixed Odds Betting Terminals (FOBT's)**

8.3.12.18.3.11.1 In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, the Licensing Authority will give due consideration to the need to apply conditions to betting

shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

~~8.3.12.28.3.11.2~~ The Licensing Authority expects FOBT's to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Licensing Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard. Where an existing licensee adds 'privacy screens' a variation application will be required

### ~~8.3.138.3.12~~ **8.15- Tracks**

~~8.3.13.18.3.12.1~~ 8.15.1-A track is a site where races or other sporting events take place.  
There are currently no tracks within the District. Should this situation change tracks maybe subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from the gambling areas where they are not permitted to enter.

~~8.3.13.28.3.12.2~~ 8.15.2 This Licensing Authority may consider measures to meet the licensing objectives such as;

- a) Plans of designated areas;
- b) Proof of age schemes;
- b)c) CCTV;
- e)d) Supervision of entrances / machine areas;
- e)e) Physical separation of areas;
- e)f) Location of entry;
- f)g) Notices / signage;
- e)h) Specific opening hours;
- h)i) Self-exclusion schemes on recommendation of police or families;
- i)j) Provision of information leaflets/helpline numbers for organisations such as GamCare. Also information on other diversionary leisure activities.

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

~~8.3.13.38.3.12.3~~ 8.15.3-Gaming Machines – Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

~~8.3.13.48.3.12.4~~ 8.15.4 Betting machines – Account will be taken of the size of the premises and ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

~~8.3.13.58.3.12.5~~ ~~8.15.5~~ *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”.

~~8.3.13.68.3.12.6~~ ~~8.15.6~~ *Applications and plans* – Although the precise location of where betting facilities are provided is not required to be shown on track plans, applications should provide sufficient information so that the Licensing Authority can satisfy itself that the plan indicates the main areas where betting might take place. In particular, betting rings must be indicated on the plan. In circumstances where the perimeter is not defined, for example in point-to-point racing where an entry fee is levied, temporary structures restricting access to the premises can be used.

~~8.3.13.78.3.12.7~~ This Licensing Authority also notes that in the Commissioner’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

~~8.3.13.88.3.12.8~~ ~~8.15.8~~ The Commissioner considers the track premises licence holders should accept some accountability for promoting socially responsible gambling on their premises and that the level of responsibility should be commensurate with the volume and intensity of gambling that occurs on their premises.

### ~~8.3.148.3.13~~ ~~8.16.~~ **Travelling Fairs**

~~8.3.14.18.3.13.1~~ ~~8.16.1~~ This licensing authority will decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement is met that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

~~8.3.14.28.3.13.2~~ ~~8.16.2~~ The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

~~8.3.14.38.3.13.3~~ ~~8.16.3~~ It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **9** ~~9.~~ **Provisional Statements**

9.1 ~~9.1~~ Following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

9.2 ~~9.2~~ This Licensing Authority noted the Commission's Guidance that "a licensing authority will not take into account irrelevant matters, i.e. the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal".

## 10 ~~10~~ Permits / Temporary & Occasional Use Notice

### 10.1.1 ~~10.1~~ Unlicensed Family Entertainment Centre (FEC) gaming machine permits

10.1.1.1 ~~10.1.1~~ Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

#### ~~10.1.1.2~~

~~10.1.1.3~~ 10.1.1.2 ~~10.1.2~~ The Gambling Act 2005 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 and shall have regard to any relevant guidance issued by the Commission.

~~10.1.1.4~~ 10.1.1.3 ~~10.1.3~~ An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. This Licensing Authority will ask applicants to demonstrate:

- a) a full understanding of the maximum stakes and prizes of the gambling that are permissible in unlicensed FECs;
- b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- c) that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

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

~~10.1.1.5~~ 10.1.1.4 ~~10.1.4~~ This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

### 10.1.2 ~~10.2~~ (Alcohol) Licensed premises gaming machine permits

10.1.2.1 ~~10.2.1~~ There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. If the person ceases to be on- premises alcohol licence for the premises, the automatic entitlement two gaming machine also ceases. Whoever applies for the new premises alcohol licence will also

need to apply under S282 (2), notifying the Licensing Authority of their intention to make the gaming machines available for use and paying the prescribed fee. If the alcohol licence ceases to have effect because it is suspended the gaming machines cannot be used. The licensing authority can removed the automatic authorisation in respect of any particular premises if:

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

10.1.2.2 ~~10.2.2~~ If an applicant wishes to have more than 2 machines, then they need to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. We will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to the adult-only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare. The Council’s Licensing Committee has delegated the issuing of a permit for up to 2 machines to the Lead Licensing Officer/Licensing Officer, with any application in excess of 2 to be subject to consideration by the Committee.

10.1.2.3 ~~10.2.3~~ It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

10.1.2.4 ~~10.2.4~~ In such circumstances, 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. Conditions (other than these) cannot be attached.

~~10.1.2.5-~~

~~10.1.2.6~~ 10.1.2.5 ~~10.2.5~~ The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

### 10.1.3 ~~10.3~~ Prize Gaming Permits

10.1.3.1 ~~10.3.1~~ Applicants for these permits should set out the types of gaming that he or she is intending to demonstrate:

- (a) that they understand the limits to stakes and prizes that are set out in Regulations;

(b) the gaming offered is within the law; and

(c) clear policies that outline the steps taken to protect children from harm.

10.1.3.2 ~~10.3.2~~ In determining an application for this permit, the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. The Licensing Authority cannot attach conditions

10.1.3.3 ~~10.3.3~~ Permit holders must comply with the following conditions specified in the Act:

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

#### 10.1.4 ~~10.4~~ Club Gaming and Club Machines Permits

10.1.4.1 ~~10.4.1~~ 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 enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. Members Clubs and Miner's Welfare Institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Gaming Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

10.1.4.2 ~~10.4.2~~ 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.

~~10.1.4.3~~ ~~10.4.3~~ Licensing authorities may only refuse an application on the grounds that:

10.1.4.3

a) —

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

10.1.4.4 ~~10.4.4~~ There is a 'fast track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. However, there is no opportunity for objections to be made by the Commission or the police, and the grounds on which an Application 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.

10.1.4.5 ~~10.4.5~~ 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.

#### 10.1.5 ~~10.5~~ Temporary Use Notices

10.1.5.1 ~~10.5.1~~ These allow the use of premises for gambling where there is no premises licence but where a person or company holding an operating licence wishes to use the premises temporarily for providing facilities for gambling. Currently this is restricted to the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, in essence, poker tournaments. The same set of premises may not be subject of a temporary use notice for more than 21 days in any 12 month period. There are also a number of statutory limits in relation to these notices. Notice must be given to the authority and other bodies, who may object to the grant of the notice having had regard to the licensing objectives. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the authority will need to consider, amongst other things, the ownership/occupation and control of the premises. The authority will take a strict view where it appears that the effect of the notices appears to permit regular gambling at a particular place.

#### 10.1.6 ~~10.6~~ Occasional Use Notices:

10.1.6.1 ~~10.6.1~~ Occasional Use Notices refer specifically to betting at racetracks. The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

#### 10.1.7 ~~10.7~~ Small Society Lotteries

10.1.7.1 ~~10.7.1~~ This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small lotteries. This Licensing Authority considers that the following list, although not exclusive, could affect the risk of the operator:

- a) Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- b) Submission of incomplete or incorrect returns
- c) Breaches of the limits for small society lotteries.

10.1.7.2 ~~10.7.2~~ Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- a) by, or on behalf of, a charity or for charitable purposes
- b) to enable participation in, or support of, sporting, athletic, or cultural activities.

## 11 11. Enforcement

11.1 ~~11.1~~ This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- a) Proportionate: we will only intervene when necessary and remedies will be appropriate to the risk posed;
- b) Accountable: we will justify decisions, and be subject to public scrutiny;
- c) Consistent: rules and standards will be joined up and implemented fairly;
- d) Transparent: we will be open, and keep regulations simple and user friendly; and
- e) Targeted: we will focus on the problem, and minimise side effects.

11.2 ~~11.2~~ As per the Gambling Commission's Guidance for local authorities, this Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

11.3 ~~11.3~~ This Licensing Authority will also adopt a risk-based inspection programme. The Gambling Commission Guidance suggests that the criteria the authority will utilise in this respect are included in this statement. However, the Local Better Regulation Office (responsible for co-ordinating regulatory functions) suggests that a planned intervention should only take place where the circumstances warrant such action. It is likely that a biannual inspection of licensed premises will be undertaken at the time of renewal of the premises licence.

11.4 ~~11.4~~ The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

11.5 ~~11.5~~ This Statement proposes that a graduated response is taken where offences against gambling legislation are found or where licence conditions have been contravened. An isolated administrative offence, may be dealt with purely by way of written warning whilst more serious offences which have either been committed over a

period of time or which have a significant impact upon the licensing objectives, may result in a referral for prosecution.

11.6 ~~11.6~~—Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Officer. Our risk methodology will also be available upon request.

11.7 ~~11.7~~—The Licensing Authority recognises that certain bookmakers may have a number of premises within its area. In order to ensure that any non-compliance is recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should there be any compliance queries or should any issues arise.

11.8 ~~11.8~~—The Licensing Authority will seek to work actively with the Police, the Gambling Commission and other responsible authorities in enforcing gambling legislation.

11.9 ~~11.9~~—This Licensing Authority will continue to be a partner in the local licensing liaison group, and will keep itself informed of developments as regards to best practice in its consideration of the regulatory functions of local authorities.

## 12 ~~12~~—Complaints against a Licensed Premises

12.1 ~~12.1~~—The Licensing Authority will investigate relevant complaints against licensed premises of any description. In the first instance, complainants should raise the complaint directly with the licence holder or business concerned. All complaints will be investigated by the licensing department and enforcement action taken as deemed appropriate and proportionate to the findings and circumstances of each complaint. It is recognised that another agency may be the more appropriate body to investigate the complaint. In such circumstances, the Licensing Authority will maintain liaison with that agency.

12.2 ~~12.2~~—Where necessary, the Licensing Authority will initially arrange a meeting with the licence holder to address, clarify and try to resolve the issues of concern.

12.3 ~~12.3~~—This process will not override the right of any interested party or Responsible Authority to request a review of a licence by the Licensing Committee at any stage following the grant of a premises licence or if the particular concerns are not addressed in a way that fulfils the licensing objectives.

## 13 ~~13~~—Reviews

13.1 ~~13.1~~—Requests for a review of a premises licence can be made by interested parties or Responsible Authorities. However, it is for this Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review:-

- a) is relevant to the matters listed below;
- b) is frivolous or vexatious;
- c) will certainly not cause this authority to wish alter/revoke/suspend the licence;
- d) is substantially the same as previous representations or requests for review.

Relevant matters for a Review are where the grounds are:

- a) in accordance with any relevant code of practice issued by the Gambling Commission;
- b) in accordance with any relevant guidance issued by the Gambling Commission;
- c) reasonably consistent with the licensing objectives; and
- d) in accordance with the authority's statement of licensing policy.

13.2 ~~13.2~~ A premises licence may also be reviewed by the Licensing Authority of its own volition.

13.2.1 ~~13.3~~ In determining what action, if any should be taken following a review, the Licensing Authority will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

## 14 ~~14~~ Appeals

14.1 ~~14.1~~ Any party aggrieved by a decision of the Licensing Sub Committee and with standing to appeal (as specified within the Act) may appeal against the decision to the local Magistrates Court. An appeal has to be started by the giving of a notice of appeal by the appellant to the 'Magistrates' Court within a period of 21 days from the day on which the appellant was notified by the Licensing Authority of the decision appealed against. This current local Court is St Albans Magistrates' Court.

14.2 ~~14.2~~ The Licensing Authority will always be a respondent to the appeal, but in cases where a favourable decision has been made an applicant against the representations of a Responsible Authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent.

14.3 ~~14.3~~ On determining the appeal, the court may:

- ~~a) dismiss the appeal~~
- ~~b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or~~
- ~~c) remit the case to the Licensing Authority to dispose of it in accordance with the direction ~~of~~ of the court.~~

14.4 ~~14.4~~ The court may make such order as to costs as it thinks fit, but will be required to bear in mind guidance and legislation about the awarding of costs against a public body.

## 15 ~~15~~ Delegation and Decision Making

15.1 ~~15.1~~ One of the major principles underlying the Gambling Act 2005 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.

15.2 ~~15.2~~ This Licensing Authority is committed to the principle of delegating its powers to ensure that these objective are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State, the Council's Constitution and procedures laid down for good governance. The scheme of delegation can be found in the Council's Constitution, which is available on the website.

## **16 Covid-19, Coronavirus regulations**

- 16.1 All gambling premises must adhere to the most recent guidance passed down by the Government. Failure to do so may result in further action being taken against the premises licence.**
- 16.2 All premises applications must be accompanied by a risk assessment and how staff and the general public will be kept safe.**
- 16.3 Staff must undertake training in relation to infection control and how to safeguard themselves and the public. This must be logged on the individual staff training record.**

## **APPENDIX 1**

### **List of Consultees**

- The Chief Officer of Police of Hertfordshire Constabulary
- Bodies representing businesses in and residents in the area
- ~~—~~Bodies representing the interests of persons carrying on gambling businesses within Three Rivers District Council

~~—~~

### **Bodies representing the interested persons who are likely to be affected by the exercise of the authority's function under this Act**

- Bodies dealing with Mental Health issues
- Citizens Advice Bureau
- ~~—~~[Environmental Health Residential Standards Team, Three Rivers District Council](#)
- Gamblers Anonymous
- The Gambling Commission
- GamCare
- ~~—~~[Head of Development Management, Planning Dept, Three Rivers District Council](#)
- Hertfordshire Fire and Rescue Service
- Hertfordshire Safeguarding Children Board
- The Licensing Authority for Three Rivers District
- The local health and safety authority
- The Authority responsible for Control of Pollution
- Local Primary Care Trusts
- HM Customs and Excise
- ~~—~~[Parish Councils within the district](#)
- ~~—~~[Other Councils, including Aylesbury Vale DC, Buckinghamshire County Council, Chiltern and South Bucks DC, Dacorum Borough Council, St Albans and District Council Watford Borough Council, and Wycombe DC](#)

### **Residents Associations**

- Bricket Wood Residents' Association
- Bridle Lane and Wagon Way Residents' Association
- Carpenders Park Residents' Association
- Chandlers Cross Residents' Association
- Chorleywood and District Residents' Association
- ~~—~~The Croxley Green Residents' Association
- ~~—~~
- ~~—~~Eastbury Residents' Association
- ~~—~~
- ~~—~~Furtherfield Residents' Association
- ~~—~~
- ~~—~~Gypsy Lane Residents' Group
- ~~—~~
- ~~—~~Heronsgate Residents' Association
- ~~—~~
- ~~—~~Little Green Residents' Association
- ~~—~~
- ~~—~~Loudwater Residents' Association
- ~~—~~
- ~~—~~Oxhey Hall Residents' Association
- ~~—~~
- ~~—~~Rickmansworth and District Residents' Association
- ~~—~~
- ~~—~~Windmill Drive Residents Association

### Local authority Representations

- Environmental Health Residential Standards Team, Three Rivers District Council
- Head of Development Management, Planning Dept, Three Rivers District Council
- 

### Local Chambers of Trade

- Watford Chamber of Commerce
- Rickmansworth Chamber of Business
- Hertfordshire Chamber of Commerce

### All Three Rivers District Councillors

#### Parish Councils

- Abbots Langley Parish Council
- Batchworth Community Council
- Chorleywood Parish Council
- Croxley Green Parish Council
- Sarratt Parish Council
- Watford Rural Parish Council

### Local Authorities within the Hertfordshire District

- Other Councils, including Aylesbury Vale DC, Buckinghamshire County Council, Chiltern and South Bucks DC, Dacorum Borough Council, St Albans and District Council Watford Borough Council, and Wycombe DC

### National Trade Associations

- The Bingo Association
- British Beer and Pub Association
- Association of British Bookmakers
- Business in Sport and Leisure
- Racecourse Association Limited
- British Amusement Catering Trade Association
- The National Casino Industry Forum
- British Holiday & Home Parks Association
- The Greyhound Board of Great Britain
- The British Association of Leisure Parks, Piers & Attractions Ltd

Note: This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Copies of the draft Gambling Statement of Principles ~~were also~~ is placed in the public libraries of the Three Rivers District Council area as well as being available at the Council offices and on the Council's website.

**APPENDIX 2** *appendix 2*

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large Casino (Machine/table ratio of 5-1 up to maximum)		Maximum if 150 machines Any combination of machines in categories B to D (except B3A), within the total limit of 150 (subject to machine/table ratio)					
Small Casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 Machines Any combination of machine in category B to D (except B3A), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 Machines categories B to D (except B3A) or any number C to D machines instead					
Betting premises and tracks occupied by Pool Betting			Maximum of 4 machines categorised B2 to D (except B3A)				
Bingo Premises				Maximum of 20% of the total number of machines which are available for use on the premises categories B3 or B4**		No Limit C or D machines	
Adult Gaming Centres				Maximum of 20% of the total number of machines which are available for use on the premises categories B3 or B4**		No Limit C or D machines	
Family entertainment centres (with premises licence)						No limit on category C and D machines	
Family entertainment centres (with permit)							No limit on category D machines
Club or miners' welfare institutes with permits					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises with gaming machine permit						Number of category C or D machines as specified on permit	
Travelling Fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

**APPENDIX 3  
TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING COMMITTEE / SUB-COMMITTEE</b>	<b>OFFICERS</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for 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 from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits in excess of the 2 permitted		Where an application is for in excess of 4 machines.	Up to 4 machines
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter-notice to a temporary use notice		X	

**LC15/06 PROJECT INITIATION DOCUMENT UPDATE – GAMBLING ACT 2005 TO RECOMMEND TO COUNCIL ADOPTION OF THE STATEMENT OF LICENSING POLICY**

The Committee received a report on implementing the Gambling Act 2005 and, as part of that, to confirm the Statement of Licensing Policy and to recommend adoption by Council.

The Chief Environmental Health Officer reported that the Council were on schedule to meet the timetable for adoption of the Statement of Licensing Policy by December. Members noted that 10 responses had been received following the consultation – three from trade organisations, three from Residents' Associations and four from individuals. There had been seven "No" votes for a casino within the District and therefore Council would be asked to endorse this as policy and include it in the Statement of Licensing Policy. It was noted that an additional response from Eastern Region Faith Council had been received urging the Council to consider a no casino policy.

Councillor Richard Laval, seconded by Councillor Joy Mann, moved an amendment to the recommendation, that due to the low response to the consultation the recommendation to Council be that that the Council do not adopt a no casino policy and that any application received be assessed on its individual merits.

Councillor Francis Durham was against the amendment and recommended that the Council be asked to adopt a no casino policy. He said that the consultation responses, which were unanimously in favour of a no casino policy, should be respected, even though the response was very low.

The Committee reviewed the draft statement of licensing policy and made the following amendments:

Under Statement of Principles (Page 3 & 4, Section 2, Paragraph 3) to read "A consultation took place" and take out the sentence starting "The full list" and the remaining text in that section;

Under Interested Parties (Page 5, Section 5, Paragraph 6, Line 3) take out the word "likely";

Under Interested Parties (Page 5, Section 5, Paragraph 7, Line 3) take out "www";

Under Enforcement (Page 6, Section 7, Paragraph 7) keep the paragraph that reads "The authority recognises".

Part B under Premises Licences, General Principles (Page 7, Paragraph 3) paragraph references to be amended;

Under Betting Machines (Page 9, Paragraph 9) retain this paragraph in the policy;

Under Door supervisors (page 10, paragraph 3) retain the paragraph that reads "there is no evidence.....and proportionate."

Under type of premises section 4 – Casinos (page 11) add "Those who responded to the consultation were in favour of a "no casino policy";

Under Part C section 2 – license premises gaming machines permits (page 14) paragraphs in bold to be deleted;

Under Part C, Section 4 – page 15 first paragraph to add "community centres";

Members noted that if the Committee was minded to recommend to Council a no casino policy the Council would not be able to consider any applications received for casino licences.

Councillor Martin Trevett stated that the Committee should accept the response of the consultation even though it had been very low.

On being put to the Committee the amendment to RECOMMEND AGAINST a no casino resolution was TIED vote the voting being 3 For, 3 Against and 1 Abstention. The Chairman used his casting vote and voted against the proposal making the voting 3 For, 4 Against and 1 Abstention.

**RECOMMENDED:**

- (1) that a No Casinos policy be adopted and that this be included in the Statement of Licensing Policy for premises;
- (2) that the final Statement of Licensing Policy (copy attached) be adopted;
- (3) that the matter of fees in relation to the Gambling Act be delegated to the Licensing Committee to determine when they are made available from the DCMS; and
- (4) that subject to the awaited regulations, the matter of small lottery registration be delegated to the Licensing Committee.

**RESOLVED:**

- (1) that progress on the implementation of the Project Initiation Document be noted;
- (2) that members noted the comments in Appendix 1 following the consultation on the draft Statement of Licensing Policy and determined that the changes outlined in the minutes be incorporated into the final document;
- (3) that members noted the result of the consultation was in favour of a No-Casino policy for the district (Section 166) and that this be included in the Statement of Licensing Policy; and
- (4) that members noted that a training programme for the processing of applications under the Gambling Act is being developed and will be implemented within the timescale identified in the Project Initiation Document.

Followed by Council Meeting of 17/10/06:

**CL42/06 RECOMMENDATIONS OF THE LICENSING COMMITTEE**

Councillor Chris Brearley moved approval and adoption of the Regulatory Services Committee recommendations contained within Minute LC15/06 (Gambling Act 2005 – Statement of Licensing Policy –(No Casinos).

RESOLVED:- that the recommendations of the Licensing Committee listed above be agreed.

**APPENDIX 5**

<b>DATE</b>	<b>ACTION</b>
Autumn 2005	Establishment of Gambling Commission
May 2006	Guidance for Local Authorities published
May 2006	Local Authorities to draft Licensing Policy Statement for Consultation
December 2006	Licensing Policy Statement published
February 2007	Local Authorities accept licensing applications
1 <sup>st</sup> September 2007	Full implementation
December 2009	Reviewed statement came into effect January 2010
December 2012	Reviewed statement came into effect January 2013
December 2015	Reviewed statement came into effect January 2016
December 2018	Reviewed statement came into effect January 2019
June 2021	Review under way